

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: 9.9: Statement of Common Ground between H2 Teesside Limited and Teesworks Limited, South Tees Developments Limited and South Tees Development Corporation (together 'South Tees Group')

The Planning Act 2008



Applicant: H2Teesside Ltd

Date: October 2024

The Planning Act 2008

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

The H2 Teesside Order 2024

Statement of Common Ground between H2 Teesside Limited and South Tees
Group

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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) Teesworks Limited, South Tees Developments Limited and South Tees
Development Corporation (together 'South Tees Group')**

Signed.....

[Name]

[Position]

on behalf of H2 Teesside Ltd.

Date:

Signed.....

[Name]

[Position]

on behalf of South Tees Group

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 made by H2 Teesside Limited (the 'Applicant'), to the Secretary of State for Energy and Net Zero for a Development Consent Order 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 South Tees Group 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 South Tees Group

- 1.2.4 The South Tees Group is the owner of Teesworks. The Teesworks site forms part of the UK's largest freeport, and at 4,500 acres, of which roughly 2,000 comprise developable land, it is Europe's largest brownfield site, situated on the previous location of the now-defunct Teesside steel manufacturing facilities to the south of the River Tees, in the Borough of Redcar and Cleveland.
- 1.2.5 The Applicant and South Tees Group 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 Examining Authority (‘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 positions with regard to the matters between the parties.

2.0 ENGAGEMENT WITH SOUTH TEES GROUP

2.1 Summary of Engagement

2.1.1 A summary of the key engagement that has taken place between the Applicant and South Tees Group is detailed in **Table 2-1** below.

Table 2-1: Engagement between the Applicant and South Tees Group

DATE	FORM OF ENGAGEMENT	DETAILS
12.01.22	Virtual Meeting	Initial meeting between the parties to discuss land agreements for low carbon hydrogen production plant on Teesworks site
Various dates	Face to Face Meetings and Virtual Meetings	Various technical and commercial meetings held between the parties since the initial meeting at weekly frequency to negotiate land agreements, connection corridor routings and widths, utility connections, demolitions and remediation programs. Too many meetings to list in a table that have taken place approximately over the last three years. The most recent two meetings are listed below in addition to consultation details.
14.09.23	First Consultation (statutory consultation) in accordance with Section 42 of the PA 2008.	The Applicant issued a Section 42 letter to South Tees Group on 14 September 2023 consulting South Tee Group on the Proposed Development.
13.12.23	Second Consultation (statutory and non-statutory) in accordance with Section 42 of the PA 2008.	The Applicant issued a Section 42 letter to South Tees Group on 13 December 2023 consulting them 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.
04.09.24	Consultation on proposed changes to the DCO Application.	A letter was issued to South Tees Group on 4 September 2024 consulting them on a number of proposed changes to the DCO Application.
12.09.24	Virtual Meeting	Technical interface meeting between the parties on remediation progress.

DATE	FORM OF ENGAGEMENT	DETAILS
16.09.24	Virtual Meeting	Commercial meeting between the parties
18.09.24	Virtual Meeting	Meeting to discuss the extent of the Order Limits.
10.10.24	Virtual Meeting	Meeting to progress on SoCG and timing of issue of side agreement
16.10.24	Virtual Meeting	Meeting to discuss SoCG and receipt of draft side agreement (issued by Applicant 15 October 2024)
21.10.24	Virtual Meeting	Meeting to discuss SoCG, side agreement and Deadline 3 submissions.

3.0 MATTERS

3.1 Overview

3.1.1 This section provides a summary of the matters between the parties and the status of discussions and where agreement has been reached.

Table 3-1: Summary of Matters

SoCG ID	Matter	Document ref (if relevant)	South Tees Group Position	Applicant Position	Agreed/Ongoing/ Not agreed
1	Scope of Land		Whilst the South Tees Group has been liaising with the Applicant to reach commercial agreements for H2T's use of land in which it has an interest, the extent of land contained in the application for each work is not defined clearly, lacking both precision and sufficient detail. For instance, it is not clear from the available plans where, within broad areas, the utilities corridors will be located, or whether the existing corridors will be shared with H2T or other projects in the same area. At this stage the South Tees Group is not satisfied that all of the land included in the Order Limits is justified in the context of the relevant tests (including those relating to compulsory acquisition) and considers this matter	The Order Limits are considered to be appropriate and justified, in the context of the land, policy and development position that exists. The Applicant submitted two documents at Deadline 2 which provide information on this. The first explains the interactions between H2Teesside and NZT and HyGreen and how this relates to the land rights sought in the DCO [REP2-038]. The second explains the Order limits width / extent in different areas [REP2-037].	Ongoing

SoCG ID	Matter	Document ref (if relevant)	South Tees Group Position	Applicant Position	Agreed/Ongoing/ Not agreed
			should be further scrutinised. See below comments in relation to specific elements of the project.		
2	Impact on Highway Network and Access		There are also concerns with the potential impact of the proposed works on the highway network and on means of access to the Teesworks site.	ES Chapter 15 [APP-068] identifies no significant effects on any of the links assessed at the peak of construction and therefore also no significant effects during the construction phase outside of the peak of construction, operation or decommissioning phases. The assessment has been undertaken in accordance with best practice guidance, as set out in Paragraph 15.1.1 of Chapter 15 [APP-068]. It is also relevant to note paragraph 6.1.4 of the Framework CTMP [APP050] which states that given the other projects within the local area, the EPC Contractor(s) would liaise with other contractors in the local area to co-ordinate works, and associated construction traffic movements as far as practicable. A working group could be set up, as agreed as part of the Final CTMP(s) and Final CEMP(s) to be approved. Part of this working group's	Ongoing

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				<p>remit could include agreeing a communications plan with neighbouring businesses where construction programmes (and therefore associated HGV movements) between the projects overlap. The dDCO [AS-013] includes a requirement (18) that secures the submission and approval of a CTMP, after consultation with National Highways, the relevant highway authority and STDC. Requirement 18 sets out what must be included in the CTMP.</p>	
3	Interactions with Pre-existing Works and Proposals		<p>The Applicant does not appear to have explained if, and how, it has coordinated its requirements with the details of the recently consented Net Zero Teesside (NZE) project, nor has it necessarily liaised sufficiently with the South Tees Group to ensure their respective proposals in the Teesworks site do not conflict. Because the Applicant has maximised its own design flexibility at the expense of precision, and has as yet not shared detailed information about the</p>	<p>The flexibility sought by the Applicant is appropriate in the circumstances, and allows for the Proposed Development to come forward in the context of an evolving development site. The Applicant submitting a document at Deadline 2 that explains the interactions between H2Teesside and NZE and HyGreen and how this relates to the land rights sought in the DCO.</p>	Ongoing

SoCG ID	Matter	Document ref (if relevant)	South Tees Group Position	Applicant Position	Agreed/Ongoing/ Not agreed
			<p>justification for the details of its H2T Project, the South Tees Group cannot determine the true impact of the Applicant’s proposals on its own interests.</p>		
4	Protective Provisions		<p>The H2T proposals risk sterilising the Teesworks site and negatively impacting the South Tees Group’s pre-existing and ongoing development plans, but the Applicant has not offered bespoke Protective Provisions, in contrast with the consented NZT DCO. The South Tees Group strongly believes that these protections are required for this project as well, and it intends to submit its own preferred form of protective provisions for consideration by the Applicant and the Examining Authority. The South Tees Group has requested (via the Examining Authority) further information on the Applicant’s proposals – in particular Order Limit justification and project overlaps – to facilitate the drafting of the protective provisions. The Deadline 2</p>	<p>The Applicant has confirmed to South Tees Group that the principle of including bespoke protective provisions in the dDCO for South Tees Group is agreed. It has been agreed between the parties that the solicitors acting for South Tees Group will produce a first draft of such protective provisions.</p>	Ongoing

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			<p>submissions from the Applicant seek to address this and are under review.</p>		
5	Local Development Planning Policies		<p>To inform STDC’s development strategy and to help ensure the comprehensive and efficient use of its land, it developed a master plan which informed the preparation of supplementary planning policy for the Teesworks site. When STDC was established, it was agreed between Tees Valley Combined Authority (which was established by STDC pursuant to its powers under the Localism Act 2011) (TVCA) and Redcar & Cleveland Borough Council (RCBC) that RCBC would retain planning powers and continue to act as the local planning authority for the Teesworks site in respect of planning policy and development management, and in the processing of planning applications. All planning applications for development proposals within the Teesworks site must therefore be determined in accordance with the adopted Redcar and Cleveland Local Plan</p>	<p>Section 4.0 (paragraph 4.2.5) of the Applicant’s Planning Statement [APP031] confirms that the policy framework for examining and determining applications for development consent, such as that for the Proposed Development, is provided by National Policy Statements (‘NPSs’) and that these are the primary policy used by the Secretary of State to examine and determine such applications. Section 4.7 (paragraph 4.7.3) acknowledges that other matters that the Secretary of State may consider important and relevant in determining applications for development consent can include local development plan policy. Local development plan policy, including relevant policies of the Redcar and Cleveland Local Plan (adopted May 2018) and the development principles of the South Tees Supplementary</p>	Ongoing

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			<p>unless material considerations indicate otherwise. The Local Plan should therefore constitute an “important and relevant consideration” for the purposes of examining and deciding the H2T DCO application under section 104 of the 2008 Act.</p>	<p>Planning Document (adopted May 2018), and the Proposed Development’s compliance with those policies and development principles, is considered in detail within Table 6.5 of the Policy Assessment Tables [APP-032]. The Applicant has had regard to relevant local development plan policy notwithstanding that the NPSs, notably EN-1, are the primary policy against which to assess the Proposed Development.</p>	
6	Land and Works		<p>Chapter 4 of the Environmental Statement [APP-056] is clear that the area is covered by some works is larger than required and that the Applicant is making use of the “Rochdale Envelope” principle, whereby it requires additional flexibility for its Project to be carried forward into the post-consent implementation phase. The South Tees Group draws the Examining Authority’s attention to the Planning Act 2008, Guidance on the pre-application process (DLUHC, April 2024)³ (the Pre-Application Guidance) which</p>	<p>The Applicant has used the Rochdale envelope approach to determine the Order Limits as design development is ongoing and no ground investigation has taken place in the connection corridors. The Applicant is consulting on updates to the Order Limits as part of the Change Notification [PDA019].</p>	Ongoing

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			<p>notes that use of the Rochdale Envelope is by now well-established but also states that taking this approach “will therefore increase the amount of evidence required to be submitted in support of the application.” The Applicant has not provided sufficient justification for its excessive land requirements for the Project, most notably around utilities corridors.</p>		
7	Land and Works		<p>The South Tees Group questions the extent of land proposed for the main site. The South Tees Group understands that the H2T Order Limits includes land falling outside the scope of the option agreement being negotiated for the H2T works, and which is understood to be proposed for HyGreen, NZT and future projects. If the Applicant is not negotiating to acquire that additional land (which covers a significant part of the Teesworks site) for the H2T project, it should not be included within the scope of compulsory acquisition powers contained in the H2T draft DCO. The land</p>	<p>The Applicant submitted a document at Deadline 2 that explains the interactions between H2Teesside and NZT and HyGreen and how this relates to the land rights sought in the DCO [REP2-038]. The Applicant is in discussions with the South Tees Group in relation to Order Land so far as included within the Teesworks site.</p>	Ongoing

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			<p>in question is subject to interest from other potential tenants of the Teesworks Site – serving as an example of how the Order Limits need to be reasonably minimised so as not to prevent other job creation activities coming forward on the site.</p>		
8	Land and Works		<p>Additionally, it appears that land in and around plots 14/10, 14/11, 14/12, 14/16, 14/17 and 14/24 as shown on sheet 14A of the Land Plans (AS-003), is already subject to permanent acquisition of rights under the NZT DCO. It also appears that many plots along the highways to the southeast of the main Teesworks site in which the South Tees Group has interests are already subject to the acquisition of rights or temporary possession under the NZT DCO. In each case, the overlap between projects is unclear and it is unclear from the Applicant’s documentation how this impact on land has been minimised, and how the overlapping works will be managed to minimise disruption and sterilisation.</p>	<p>The Proposed Development and NZT project will have a number of connections between them, and these plots are required to facilitate those connections. The Applicant and NZT are in discussion with regards to the interfaces relating to these connections.</p>	Ongoing

SoCG ID	Matter	Document ref (if relevant)	South Tees Group Position	Applicant Position	Agreed/Ongoing/ Not agreed
9	Utilities Corridors		<p>The South Tees Group’s view is that the Applicant is seeking permanent rights over utility corridors which are wider than reasonably required, may not align with NZT or existing on-site corridors in the same area (see Table 3-2 below), and are not justifiable having regard in particular to the Guidance cited above. The Applicant should only be seeking compulsory acquisition powers over the minimum amount of land required for the Project, whereas the proposed utilities corridors as shown in the current Works Plans (AS005) often cover large swathes that the Applicant justifies with the Rochdale Envelope principle. For instance, two water connection options are included within the Order Limits, and the Applicant acknowledges in paragraphs 4.3.30 and 4.3.37 of the Environmental Statement [APP-056] that they are currently shown as one “broad corridor” rather than more realistic ones, “to account for all options”.</p>	<p>The Applicant has used the Rochdale envelope approach to determine the Order Limits. The flexibility sought by the Applicant is appropriate in the circumstances, and allows for the Proposed Development to come forward in the context of an evolving development site. The Applicant is consulting on updates to the Order Limits as part of the Change Notification [PDA019].</p>	Ongoing

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10	Utilities Corridors		<p>Land is also proposed to be acquired for multiple energy supply connection alternatives (paragraph 4.3.25 of the Environmental Statement), pipelines for potential gas supplier connections as potential replacements for specific onsite Project features (paragraph 4.3.10) and potential alternatives for hydrogen transmission routeing and connections (paragraph 4.3.23). The entire main Teesworks site is shown on the Works Plans (AS-005) as being required for many of the utilities corridors, which does not correspond with what is reasonably required – nor with the narrower corridors in the NZT DCO.</p> <p>The lack of detail on the precise location of final utility corridors within the DCO application and the broad acquisition and use of land in which the South Tees Group has interests hinders the South Tees Group’s understanding of the Project. It may harm future development plans and it potentially prevents the full benefits of the freeport designation from being</p>	<p>The Applicant has been engaging with STG’s technical teams to discuss and agree suitable corridors for H2Teesside connections. These are reflected in the Change Notification (PDA-019) that is currently under consultation. Plot 15/243 (and nearby plots) are required for raw water import connections.</p>	Ongoing

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			<p>realised. The use of any utilities corridor permitted by the draft DCO must be conditional upon the potential for the service corridors to change as a result of other developments and permissions on the Teesworks site. It is therefore imperative that the Applicant rationalises the proposed utilities corridors to that which is actually required, and that it seeks to share these corridors with other end users wherever possible.</p>		
11	Scope of Land		<p>The South Tees Group retain significant concerns about the extent of its land included within the Project’s Order limits for utilities. It is also not clear from the application documents why plot 15/243 (and nearby plots) are included, or why they are so extensive, given South Tees Group’s understanding of the Applicant’s water pipeline requirements.</p>	<p>The Applicant has been engaging with STG’s technical teams to discuss and agree suitable corridors for H2Teesside connections. These are reflected in the Change Notification (PDA-019) that is currently under consultation. Plot 15/243 (and nearby plots) are required for raw water import connections.</p>	Ongoing
12	Consent Mechanism		<p>Consent mechanism for H2T to be able to exercise any works or land powers subject to their consent.</p>	<p>As noted above the Applicant is committed to negotiating appropriate protective provisions with STG.</p>	Ongoing

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13	Alternatives to Compulsory Purchase		<p>There are no easements in place for the Applicant’s proposed utilities corridors, although the South Tees Group is willing to agree the same provided they do not prejudice other services required on the Teesworks site. Easements are being covered as part of the ongoing negotiations for the Option for Lease agreement.</p> <p>More generally, the Applicant has not demonstrated all the land subject to compulsory acquisition and temporary possession is required for the Proposed Development.</p>	<p>Easements are being covered as part of the ongoing negotiations for the Option for Lease agreement.</p>	Ongoing
14	Streets, Rights of Way and Accesses		<p>Proposed access in and around plot 15/237 is unacceptable to South Tees Group because it interferes with planned NZT park and ride – this must be relocated.</p>	<p>The Applicant needs to retain this plot as this is an existing pipeline route leading to an existing raw water offtake point. The Applicant also notes that the extent of the Order Limits at this location reflect those in The Net Zero Teesside Order 2024.</p> <p>The Applicant is in discussions with STG regarding this point and proposes that</p>	Ongoing

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				appropriate protective provisions can be negotiated to address this matter.	
15	Streets, Rights of Way and Accesses		Use of access routes permitted by DCO must be conditional on the potential for routes to change as a result of developments or permissions on the Teesworks site.	In principle, this is agreed. However, the final wording of the provisions is to be captured in the Protective Provisions taking into account the positions already established as part of the property agreements.	Ongoing
16	Draft DCO		Updated drafting required as set out in [RR-003] to Articles 2, 8, 10 – 14, 16, 19, 25, 39, 43, Part 5, Schedule 2 and Schedule 5. South Tees Group will submit its preferred form of protective provisions.	Please see detailed points and responses in Table 3-2 below.	Ongoing
17	Existing Environment		The sensitive receptors referenced in ES Chapter 3 relate to residential properties and ecological designations. However, the existing industrial uses within the Teesworks Masterplan area have not been included, such as the Northumbrian Water Bran Sands Regional Effluent Treatment Works, whereby workers	Following Statutory Consultation, the Northumbrian Water Bran Sands offices were included as a receptor within the noise assessment, presented in 6.2.11 ES Vol 1, Chapter 11: Noise and Vibration [APP-063]. Northumbrian Water Bran Sands offices are included as NSR H7. Table 11-34 identified no likely	Agreed

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			<p>could be sensitive to air-borne pollutants or the buildings / equipment / plant could be sensitive to vibration. We request that all sensitive receptors within the Teesworks' Masterplan area be considered in the ES.</p>	<p>significant effects for this NSR during construction, operation or decommissioning.</p> <p>Industrial use receptors are covered by Health and Safety regulations and would not normally be included in an EIA for air quality.</p>	
18	Traffic and Transport		<p>It is concerning that planning permission for B2/B8 uses (ref R/2020/0820/ESM) at Lackenby is excluded from consideration as a cumulative scheme within the Transport Assessment (TA) on the basis that the development is expected to commence in 2028 and complete in 2031. The South Tees Group therefore asserts that the construction and operational phases of this project have the potential to overlap with that of the H2Teesside scheme and therefore should have been included within the assessment. It has been assumed that all construction compounds to the south of the River Tees will be accessed via the A1085 Trunk Road / Teesworks Steel House Gate roundabout. Chapter 15 of the ES goes on</p>	<p>The referenced planning consent (ref R/2020/0820/ESM) will be constructed between 2028 and 2031, with operation commencing in 2031. The planning consent does not provide construction traffic numbers generated by the site, as the operation phase is anticipated to generate significantly more traffic, and the effects during construction are assessed to be not significant. The Proposed Development is anticipated to see construction between 2025 and 2030, with low levels of operational traffic after 2030. The operational traffic has not been assessed in terms of cumulative impact, due to low numbers. There is therefore no crossover of the significant traffic impacts of the two</p>	Ongoing

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			<p>to assess the effects of the project with other developments in the area. : The South Tees Group requests that thorough consultation between H2Teesside and the South Tees Group is undertaken to better understand the potential effects of all projects and what mitigation is necessary in order to reduce impacts on the local highway network, including upon the following highway links: link 2 – A1085 Trunk Road, 1.34 km south of West Coatham Lane; link 4 – A1085 Trunk Road, 500 m north of A1053 Tees Dock Road; and link 11 – A1053 Greystone Road, 600m north of the A174/ A1053 Greystones roundabout.</p>	<p>planning consents. Consultation should remain ongoing, with relevant mitigation implemented where necessary during construction and operation. The network peak hours can be taken as being 0800 to 0900 and 1600 to 1700, and with reference to Table 15A-40 and 15A-41 of 6.2.15 ES Vol 1 Chapter 15 Traffic and Transport [APP-068], in the weekday AM peak the construction phase will add 31 vehicles to Links 2 and 4 and 4 vehicles to link 11. This is not then considered to result in a severe highway impact based on the criteria set out in that chapter. In the weekday PM peak, there will be a total of 80 trips to links 2 and 4 and 9 vehicle trips to link 11. The impact on links 2 and 4 have then been considered further with a capacity assessment of the A1085 Trunk Road / Teesworks Steel House Gate roundabout being included within Section 15A.7 of the Transport Assessment [APP-210] which concluded that it would continue to operate within capacity at the year of peak</p>	

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				<p>construction, 2026, which is before the 2028-2031 construction period assumed for R/2020/0820/ESM. The Applicant has submitted a Framework Construction Workers Travel Plan [APP-049] and Framework Construction Traffic Management Plan [APP-050] with the ES, both of which will be form the basis of a Final Construction Workers Travel Plan and Final Construction Traffic Management Plan to support in mitigating any Traffic and Transport effects. It is assumed that all construction compounds to the south of the River Tees will be accessed via the A1085 Trunk Road / Teesworks Steel House Gate roundabout.</p>	
19	Cumulative Assessment		<p>Review of the cumulative schemes listed in the TA and Chapter 23 Cumulative and Combined Effects Appendix 23A identifies planning permission reference R/2023/0793/ESM relating to the construction of an Electric Arc Furnace on behalf of British Steel has been omitted from the long list of cumulative schemes.</p>	<p>The cut-off date for the Cumulative Assessment was 01/11/2023 (paragraph 23.3.19 in Chapter 23 Cumulative and Combined Effects [APP-076]). The planning application for R/2023/0793/ESM was submitted on 24/11/2023, after the cut-off date in the Cumulative Assessment. The</p>	Ongoing

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			<p>This is particularly pertinent because the application documentation submitted with the British Steel planning application indicates that its construction programme is likely to overlap with that of H2Teesside. The South Tees Group requests that a detailed and up to date review of likely cumulative schemes be undertaken and that any omissions in the current long list of schemes are addressed. The South Tees Group would be pleased to assist H2Teesside to ensure that the assessment is comprehensive and accounts for all relevant projects including those planned across the Teesworks site that are the subject of planning applications or planning permissions.</p>	<p>Cumulative Assessment [APP-076] will be updated during Examination and submitted at Deadline 5, the comments from South Tees Group, and ongoing engagement with them, will be taken into consideration.</p>	
20	Noise and Vibration		<p>Chapter 11 Noise and Vibration suggests a range of mitigation or enhancement measures may be required, including placing limits on noise emissions from plant and equipment at source secured via Requirements of the draft DCO. Review of the draft Requirements</p>	<p>No operational noise Requirement is needed as the ES has concluded that no likely significant effects are expected to arise during the Operational phase, with embedded measures that will be secured through the Environmental Permit considered. As such, no</p>	Agreed

SoCG ID	Matter	Document ref (if relevant)	South Tees Group Position	Applicant Position	Agreed/Ongoing/ Not agreed
			indicates that the control of noise during operation is omitted from the list of draft Requirements.	additional mitigation needs to be secured via the DCO.	
21	CEMP		We note that a Construction Environmental Management Plan (CEMP) will be prepared prior to construction and a Framework CEMP [APP-043] has been prepared as part of the Environmental Statement. The South Tees Group supports this approach and considers it important that it is centrally involved in the preparation of any CEMP and have the opportunity to input into it prior to its finalisation.	There is a Requirement securing the preparation and approval of a CEMP contained in the Draft DCO [AS-013].	Agreed
22	Waste Water Treatment		The ES states that an Effluent Treatment Plant will be constructed, which will consist of an oily water separator, neutralisation sump, storm water sump and any other suitable treatment to meet agreed discharge standards. All oily water effluents produced by the Hydrogen Production Facility will be sent to the oily water separator. For post separation, there are currently two options	Case 1B (Minimalised Liquid Waste from the ETP) is no longer proposed by the Applicant, as such Case 2B (discharge of effluent to Tees Bay via the NZT outfall) will be progressed. Therefore, effluent will be treated to an appropriate level associated with the use of Best Available Technique and disposed of via the NZT outfall that is to be built as part of the NZT DCO development.	Agreed

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			<p>considered where the liquid effluent will be sent. The first option is to send liquid effluent to Minimum Liquid Discharge Plant on the main site, that may consist of ultrafiltration and Closed-Circuit Reverse Osmosis. This plant will produce a stream of clean water that will be reused in the hydrogen production plant and a brine stream that will be tankered from site to a suitable third-party disposal site. The second option is to treat this effluent to an appropriate level associated with the use of Best Available Technique and disposed of via the NZT outfall that is to be built as part of the NZT DCO development. Any solids will be sent for disposal offsite.</p> <p>There is limited information on the potential quantity of brine steam that will be tankered offsite for disposal by a third party or the quantity of any solids that will be sent for disposal. The South Tees Group requires further detail in respect of both options in order that it can</p>		

SoCG ID	Matter	Document ref (if relevant)	South Tees Group Position	Applicant Position	Agreed/Ongoing/Not agreed
			understand the potential for highways impacts associated with both options.		

Table 3-2: Detailed Matters

Matter	Summary South Tees Group Position	South Tees Group Position	Applicant Position	Agreed/ Ongoing/Not agreed
Draft DCO	<p>Updated drafting required as set out in [RR-003] to Articles 2, 8, 10 – 14, 16, 19, 25, 39, 43, Part 5, Schedule 2 and Schedule 5.</p> <p>South Tees Group will submit its preferred form of protective provisions.</p>	<p>Article 2 – definition of permitted preliminary works (PPW) to be narrowed or put in place sufficient protective provisions to ensure works are appropriately controlled and coordinated.</p>	<p>The Applicant is confident that protective provisions can be agreed that are sufficient to allay STG’s concerns and ensure works are controlled and coordinated without the need to amend the definition of PPW in article 2.</p>	Ongoing
		<p>Article 8 - South Tees Group requests that a proposed transfer of the Order powers to a third party, where not subject to Secretary of State approval, be made subject to prior notification to the South Tees Group. The Secretary of</p>	<p>The Applicant will amend the dDCO at the next submission so that, similar to the approved NZT DCO, the drafting in Article 8 includes a requirement to notify STDC and Teesworks Limited where the transfer or grant relates to the STDC area.</p>	Agreed.

Matter	Summary South Tees Group Position	South Tees Group Position	Applicant Position	Agreed/ Ongoing/Not agreed
		<p>State accepted this provision in the NZT DCO, but it does not appear in the H2T draft DCO. The equivalent provision from NZT should be replicated.</p>		
		<p>Articles 10 to 14 - These articles appear to authorise works to create / improve access ways onto the Teesworks site at, and in the vicinity of, Steel House Gate roundabout (see Schedules 4 and 5 to the draft DCO (APP-027) and sheet 9 of the Access and Rights of Way Plans (APP-011)). This would not require the South Tees Group’s prior approval, and where off-highway, maintenance responsibility would fall to the South Tees Group after 12 months from completion. Although some of the general powers to undertake street or access works require prior approval, only the relevant planning authority has approval rights over new accessways.</p>	<p>The Applicant is confident that protective provisions can be agreed to allay STG’s concerns and ensure the powers relating to street works and access works will not harm the operation of the Teesworks site without amendments to drafting in articles 10 to 14.</p>	<p>Ongoing</p>

Matter	Summary South Tees Group Position	South Tees Group Position	Applicant Position	Agreed/ Ongoing/Not agreed
		<p>Additionally, potential new means of access are not restricted to the Order limits. The South Tees Group requests that the Applicant puts in place adequate controls or sufficient protective provisions to ensure the Applicant’s powers will not harm the operation of the Teesworks site.</p>		
		<p>Article 16 - The South Tees Group is concerned that these articles permit, without prior approval, the following temporary measures:</p> <p>4.5.1 temporary closure / restriction of part of a section of private road on the Teesworks site between points JA and JB shown on sheet 9 of the Access and Rights of Way Plans (APP-011);</p> <p>4.5.2 temporary closure / restriction of part of the A1085 at Steel House Gate roundabout between points JC and JD</p>	<p>Since the submission of STG’s Relevant Representation, the Draft Development Consent Order [REP2-005] has been amended so that traffic regulation measures powers in article 16(2) are subject to consultation with “the chief officer of police in whose area the road is situated” and “written consent of the traffic authority”.</p> <p>The Applicant is confident that protective provisions can be agreed that allay STG’s concerns and ensure the powers will not harm the development and operation of the Teesworks site.</p>	<p>Ongoing</p>

Matter	Summary South Tees Group Position	South Tees Group Position	Applicant Position	Agreed/ Ongoing/Not agreed
		<p>shown on sheet 9 of the Access and Rights of Way Plans (APP-011);</p> <p>4.5.3 temporary lane closures and related restrictions on the A1085 as shown on the Temporary Traffic Regulation Measures Plan (APP-019) as TM14 and TM15; and</p> <p>4.5.4 temporary closure of sections of the Coast Path public footpath passing through the Teesworks site.</p> <p>Additionally, the South Tees Group notes the Applicant’s general powers under article 13 to implement closures or restrictions to the highway and private streets, although no prior approval is required under article 16 to take traffic regulation measures.</p> <p>As with the foregoing articles, the scope of the Applicant’s powers over rights of way and traffic regulation is quite broad and the South Tees Group is concerned</p>		

Matter	Summary South Tees Group Position	South Tees Group Position	Applicant Position	Agreed/ Ongoing/Not agreed
		<p>about potential adverse effects on the South Tees Group’s operations. The South Tees Group requests that the Applicant puts in place adequate controls or sufficient protective provisions to ensure the Applicant’s powers will not harm the development and operation of the Teesworks site.</p>		
		<p>Article 19 The South Tees Group does not in principle object to these articles but requests that the Applicant engage in discussion about potentially moderating the scope of these articles using protective provisions</p>	<p>The Applicant is confident that protective provisions can be agreed that allay STG’s concerns and ensure the powers will not harm the development and operation of the Teesworks site.</p>	<p>Ongoing</p>
		<p>Part 5 – Powers of acquisition – The South Tees Group does not in principle object to provisions permitting the Applicant to acquire land and rights permanently, or to take temporary</p>	<p>The Applicant’s case for compulsory acquisition powers is set out in the Statement of Reasons (APP-024) and other representations made to the examination.</p>	<p>Ongoing</p>

Matter	Summary South Tees Group Position	South Tees Group Position	Applicant Position	Agreed/ Ongoing/Not agreed
		possession of land for construction maintenance. However, the South Tees Group requests that the Applicant make provision requiring the South Tees Group’s prior approval over all H2T works on land it owns or occupies.	The Applicant is confident that protective provisions can be agreed which address STG’s concerns.	
		Article 25 - Article 25(2) (Compulsory acquisition of rights etc.) – Although the South Tees Group agrees that in principle statutory undertakers may need to exercise rights in the draft Order directly, it is unclear from the draft Order which statutory undertakers could receive and enforce rights over the Teesworks site. The Applicant should clarify the position by identifying each statutory undertaker it envisages transferring the benefit of article 25.	It is not possible to specify with completeness, having regard to the rapidly evolving development position at Teesworks.	Ongoing

Matter	Summary South Tees Group Position	South Tees Group Position	Applicant Position	Agreed/ Ongoing/Not agreed
		<p>Article 39 - More information is requested about the Applicant’s intended use of this article, and the South Tees Group requests that the Applicant puts in place adequate controls or sufficient protective provisions to ensure the Applicant cannot rely upon this article to avoid implementing essential mitigation or other commitments from a different consent.</p>	<p>The power is to regulate the interface between overlapping planning permissions by preventing enforcement action from being taken in circumstances where multiple permissions have been granted over the same area and development carried out under one permission has made it impossible for another development to proceed. It is not the Applicant’s intention to rely on this article to avoid implementing essential mitigation or other commitments from a different consent.</p>	<p>Ongoing</p>
		<p>Article 43 The South Tees Group objects to the inclusion of this “deemed consent” provision where it does not respond to a request for consent or approval under the DCO within six weeks. If the Applicant intends to retain this provision, the South Tees Group considers that it should either be amended to a “deemed refusal” provision or constrained via protective</p>	<p>The Applicant would note that the drafting in article 43 of the H2T dDCO is the same as the equivalent article in NZT Order (article 44). This will be discussed as part of protective provisions negotiations.</p>	<p>Ongoing</p>

Matter	Summary South Tees Group Position	South Tees Group Position	Applicant Position	Agreed/ Ongoing/Not agreed
		provisions when it relates to the South Tees Group’s interests.		
		<p>Schedule 2 – Requirements, Schedule 13 – Procedure for Discharge of Requirements– the South Tees Group notes and welcomes that the draft H2T DCO replicates the consultation role as established for STDC in the NZT DCO. Otherwise, the South Tees Group comments as follows on specific requirements:</p> <p>Requirement 10 – Surface and foul water drainage, Requirement 15 – Construction Environmental Management Plan – Although the South Tees Group will be consulted on these matters, the Applicant is only required to act "in substantial" accordance with" DCO mitigation measures and framework plans. In the NZT DCO, the requirement was to act "in accordance</p>	<p><u>Substantial accordance v accordance with point</u></p> <p>Without the term “substantially”, “in accordance with” can be construed as meaning ‘exactly the same as’. This is not appropriate for Requirements 10 or 15, or indeed any other Requirement in the draft DCO, as the Requirements relate to ‘outline’ plans that set the outline for the final plan to be developed based on the detailed design of the Project and any updates in legislation or guidance. It is therefore important that the term “substantially” remains as part of this Requirement in order to build in the flexibility needed for the plan to be developed in accordance with the greater level of detail that will be known at a later stage. It is also noted that this Project is the first of its kind and therefore this flexibility may be required as details are refined.</p>	<p>‘Substantial’ accordance Ongoing Missing requirements Ongoing Requirement 33 TBC</p>

Matter	Summary South Tees Group Position	South Tees Group Position	Applicant Position	Agreed/ Ongoing/Not agreed
		<p>with” the equivalent requirements. The different H2T wording implies that the Applicant does not need to comply as closely with environmental commitments for H2T, so the South Tees Group requests that the Applicant justifies the different wording or removes “substantial” from the H2T DCO.</p> <p>Missing requirements – several requirements that were included in the NZT DCO are omitted from the H2T DCO, which concerns the South Tees Group. The Applicant should justify omission of requirements relating to detailed design and approval of means of vehicular access; construction works travel plan; and control of noise – operation.</p> <p>Requirement 33 – Disapplication of requirements discharged under The Net Zero Teesside Order 2024 – This</p>	<p>The phrase ‘substantially in accordance with’ appears in nearly all made DCOs to date and is therefore a well precedented approach.</p> <p>This approach also reflects the flexibility in the key documents – for example paragraph 2.3.8 in the CEMP provides as follows:</p> <p><i>“Nothing in this Framework CEMP would prevent the modification or omission of the control measures set out in sections 3.0 – 9.0 of this Framework CEMP where the construction methodology means that the measures can be so modified or omitted. This will be confirmed (including confirming that the absence or change to such control measures would not lead to any materially new or materially different effects from those assessed in this ES) at the time of submission of the Final CEMP(s).”</i></p> <p>This approach to CEMPs is well precedented – see for example, paragraph 3.1.3 of the <u>CEMP</u> associated with the recently made Mallard Pass</p>	

Matter	Summary South Tees Group Position	South Tees Group Position	Applicant Position	Agreed/ Ongoing/Not agreed
		<p>requirement provides that, subject to the relevant planning authority’s approval, any requirement under the H2T DCO may be disapplied where it has already been discharged pursuant to the NZT DCO. the South Tees Group should be a consultee on this matter, to provide a safeguard in case an approval under the NZT DCO is not considered to have properly addressed matters relevant to H2T.</p>	<p>Solar Farm and paragraph 1.1.12 of the OEMP for <u>A303 Stonehenge</u>.</p> <p><u>‘Missing’ Requirements point</u></p> <p>The Applicant does not agree that additional requirements as set out in STG’s RR are required because:</p> <ul style="list-style-type: none"> • The design and approval of means of vehicular access is already covered by article 12 where means of access have to ‘be completed to the reasonable satisfaction of the highway authority” or “street authority” depending on whether the access falls in Part 1 or Part 2 of Schedule 5. Consequently there is no need for a separate requirement as this would be duplicating the approval. • The Construction Workers Travel Plan is covered by Requirement 18 (see Requirement 18(3)(h)) as it forms part of the Construction Traffic Management Plan. • No operational noise Requirement is needed as the ES has concluded that no 	

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			<p>likely significant effects are expected to arise during the Operational phase, with embedded measures that will be secured through the Environmental Permit considered. As such, no additional mitigation needs to be secured via the DCO.</p> <p><u>Requirement 33</u></p> <p>The Applicant would note that the revised version of the dDCO submitted at Deadline 2 [REP2-005] significantly limits the applicability of Requirement 33. The Applicant would request STG to review the revised applicability and, after considering this, advise the Applicant of any particular areas where it wishes to be consulted</p>	