

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

9.6 Statement of Common Ground between H2 Teesside Limited and National Highways



Applicant: H2 Teesside Ltd

Date: November 2024

Infrastructure Planning

Planning Act 2008

H2 Teesside Project

Development Consent Order 202[]

Statement of Common Ground with National Highways

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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) National Highways

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

Signed.....
[Name]
[Position]
on behalf of National Highways
Date:

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1.0 INTRODUCTION AND PURPOSE

1.1 Purpose of Statement of Common Ground

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 Act”).

1.1.2 This SoCG has been prepared by the Applicant and National Highways in respect of the Proposed Development.

1.1.3 The purpose and possible content of SoCGs is set out in paragraphs 58 - 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:

“A Statement of Common Ground (SoCG) is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree, or indeed disagree. A SoCG helps to ensure that the evidence at the examination focuses on the material differences between the main parties and therefore makes best use of the lines of questioning pursued by the Examining Authority”..”

1.1.4 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.

1.2 Parties to this SoCG

The Applicant and the Proposed Development

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 & Storage (CCS) enabled Hydrogen Production Facility (the ‘Production Facility’) and associated connections (‘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, Document Ref. EN070009/APP/6.3) 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, EN070009/APP/6.3).

The Role of National Highways

1.2.4 National Highways is the government company charged with operating, maintaining and improving England's Strategic Road Network (motorways and designated A roads).

1.2.5 National Highway's role in relation to the DCO process derives from the PA 2008 Act and secondary legislation made under the same.

1.2.6 National Highways is a consultee under Sections 42 and 56 of the PA 2008 Act, meaning applicants must consult with National Highways before submitting a DCO application and once an application has been accepted for examination.

1.2.7 National Highways interests with regard to the Proposed Development relate to the potential traffic and transport impacts of development on the Strategic Road Network in the vicinity of the Main Site, this primarily relating to the A1053, A174 and A19, and which would be used to access the Main Site and construction compounds required to facilitate the Proposed Development.

1.3 The Purpose and Structure of this Document

1.3.1 The purpose of this document is 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 Development Consent Order ('DCO') for the Proposed Development.

1.3.2 The SoCG has been prepared with regard to the April 2024 Guidance.

1.3.3 The SoCG is structure as follows:

- Section 2 - sets out consultation and related discussions held between the Applicants and National Highways.
- 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.

2.0 ENGAGEMENT WITH NATIONAL HIGHWAYS

2.1 Summary of Engagement

2.1.1 A summary of the key engagement that has taken place between H2Teesside Ltd and National Highways is detailed in Table 2-1 below.

Table 2-1: Engagement between the Applicant and National Highways

DATE	FORM OF CORRESPONDENCE	DOCUMENT REF. (IF ANY)	DETAILS
9 May 2023	Scoping Opinion	See Appendix 1E: Scoping Opinion Responses [APP-188]	<p>A written representation in response to the Inspectorate's consultation in relation to the application of the Scoping Opinion to the Planning Inspectorate submitted by the Applicant on 6 April 2023.</p> <p>National Highways provided consultation to help inform the DCO Application. Key topics raised in the PINS Scoping Opinion included:</p> <ul style="list-style-type: none"> Request for further information relating to construction traffic volumes, routings and impacts.
14 September 2023 – 26 October 2023	Statutory Consultation	See Consultation Report [APP-030]	<p>Consultation on the Proposed Development was held between 14 September and 26 October 2023.</p> <p>National Highways provided a range of technical feedback to help inform the DCO Application. Key topics raised in the Statutory Consultation response included:</p> <ul style="list-style-type: none"> Clarification that National Highways require the impact of the Proposed Development over construction and operation phases to be

			<p>understood in terms of absolute two-way flows over both morning and evening network peak hours.</p> <ul style="list-style-type: none"> • Requesting full analysis of data including but not limited to personal injury collision data. • Clarification that further commentary on TEMPro factors will be reserved for detailed junction modelling. • General clarifications of information. • Acknowledging assumptions in assessment. • Support of some of the general principals underlying the assessment. • Request for confirmation of numbers within further assessments / management plans. • Request for management plans to be prepared.
15 December 2023	Second Consultation	See Consultation Report [APP-030]	<p>Consultation on the Proposed Development was held between 13 December 2023 and 23 January 2024.</p> <p>National Highways provided consultation to help inform the DCO Application. Key topics raised in the Statutory Consultation response included:</p> <ul style="list-style-type: none"> • Acknowledgement of minor Order Limits change and that they have no bearing on National Highways.
June 2024	Relevant Representation	See National Highways Relevant	<p>National Highways submitted its relevant representation (RR-025) in June 2024 in response to the DCO Application.</p>

		Representation [RR-025]	<p>National Highways provided technical feedback on the traffic documentation submitted [APP-049, APP-050, APP-068, APP-161 – APP-164, APP-210] into Examination and raised issues as follows:</p> <ul style="list-style-type: none"> • the submission and approval of a final detailed Construction Traffic Management Plan (CTMP) and Construction Worker Travel Plan (CWTP) by the Applicant should be secured by a Requirement to the DCO; • the confirmation from the Applicant that operational staff shift times will be scheduled in such a way that mitigates any impact of staff trips at the Strategic Road Network (SRN) over the AM / PM network peak hours; • A Decommissioning Management Report to secure and mitigate any potential impact at the SRN at the point of site decommissioning should be secured by a Requirement to the DCO.
4 September to 7 October 2024	Consultation on proposed changes to the DCO Application.	n/a	<p>A letter was issued to National Highways on 4 September 2024 consulting them on a number of proposed changes to the DCO Application.</p> <p>National Highways has reviewed the proposed changes as set out in the letter (and accompanying information) of 4th September</p>

			2024. On the basis of this review, National Highways are satisfied that the changes to the Proposed development as detailed do not materially influence, either individually or cumulatively, any of the assessments undertaken by National Highways to date with regards to the Proposed Development’s impact at the SRN, nor influence the view that National Highways has given to the DCO or agreements made.
Deadline 1 – 17 September 2024	Statement of Common Ground	n/a	National Highways and the Applicant engaged in discussions to agree the contents of this document, submitted into Examination at Deadline 1 [REP1-017]
Deadline 4 – 20 November 2024	Statement of Common Ground	n/a	National Highways and the Applicant engaged in discussions to agree the consents of this document, updated and submitted into the Examination at Deadline 4.

3.0 MATTERS AGREED

3.1.1 The below Table 3-1 contains a list of “matters agreed” along with a concise commentary of what the item refers to and how it can be agreed between the two parties.

Table 3-1: List of Matters Agreed between the Applicant and National Highways

MATTER AGREED	AGREED POSITION
Shift Times to manage impacts during Construction Stage	<p>It is agreed that keeping to the assumed shift times is an important part of managing impacts.</p> <p>Construction working hours are set out in Requirement 19 of the DCO and so must be complied with. This ensures that this assumption is delivered.</p>
Construction Traffic Management Plan	<p>National Highways agrees that it has no comments to make on the Framework CTMP, but acknowledges that the DCO requires that a detailed CWTP is to be produced.</p> <p>National Highways is content with the drafting of Requirement 18.</p>
Shutdown Maintenance	<p>The parties agree that Requirement 17 of the dDCO [APP-027] secures the production and approval of an environmental and traffic management plan for maintenance periods. As part of considering that plan, the relevant planning authority will be able to consider how shift patterns have been planned for those works, and how that aligns with peak traffic periods, and suggest any changes to that plan accordingly.</p> <p>National Highways is therefore content with the drafting of Requirement 17.</p>
Decommissioning	<p>The parties agree that Requirement 28 (6) (f) of the draft DCO [APP-027] provides for the production of a Decommissioning Environmental Management Plan. Sub-paragraph 6 of that Requirement sets out that such a plan should include information as to how materials will be removed from site and the travel management measures to be imposed. As such, traffic impacts will be able to be considered as part of the relevant planning authority’s approval of that plan.</p> <p>National Highways are therefore content with the wording of Requirement 28.</p>
Construction Stage Worker assumptions in the Transport Assessment	<p>The parties agree that two workers per car assumption has been employed for construction staff. National Highways previously queried why no validating data had been provided to justify where this figure has been achieved at comparable construction sites. The Applicant has since identified a number of comparable construction sites where this assumption has been applied and with a view to the coverage of</p>

MATTER AGREED	AGREED POSITION
	Requirement 18 (in relation to the Construction Traffic Management Plan), National Highways are content with this.
Construction Stage Worker numbers	The parties have now agreed this matter. National Highways previously queried the figure for construction worker numbers given the combined total of Phase 1 and 2 is more than 1, 300. The supplementary information provided outlines that the assessment undertaken on the basis of this figure has been done so to relate to a robust scenario.
Construction Stage Worker movement assumptions	The parties have now agreed this matter. National Highways would still wish to understand the daily profile of construction flows inclusive of staff movements also, not just HGV movements. As has been discussed to date, this detail can be defined within a forthcoming Final CTMP, the delivery of which is secured via Requirements 18 and 19.
Construction Stage Framework CWTP	The parties have now agreed this matter. National Highways acknowledge that this matter is suitably secured via Requirement 18.

4.0 MATTERS UNDER DISCUSSION

4.1 Introduction

4.1.1 This section sets out the matters under discussion between the parties. Table 4-1 provides a summary of each party’s position on the issues raised by National Highways. National Highways is considering the Applicant’s position set out this table to seek to move these issues to the Agreed table wherever possible.

4.2 Matters Under Discussion

Table 4-1: Summary of Matters Under Discussion

SOCG ID	MATTER	THE APPLICANT POSITION	NATIONAL HIGHWAYS POSITION
5	Operational Traffic	<p>Operational shift times during normal operation are still to be confirmed. However, even if all movements were to happen in peak times, the Transport Assessment establishes that no significant impacts would occur to the SRN.</p> <p>The Applicant will continue to discuss this matter with NH.</p>	<p>National Highways acknowledge the Applicant’s decision to not assess operational traffic because of the low number of staff that will be present when the Proposed Development is operational and because typical shift patterns associated with the site operation would ensure that staff arrivals or departures will not overlap with the conventional AM / PM peak hour network periods, thus avoiding any potential impact on the SRN. However, NH notes there is no evidence of the proposed staff shift times provided by the Applicant.</p> <p>National Highways note that maximum potential staff numbers quoted by the Application could incur a material impact on the SRN, should shift changeover periods overlap with peak periods on the SRN. As such, National Highways will require suitable comfort and confirmation that operational staff shift times will be</p>

SOCG ID	MATTER	THE APPLICANT POSITION	NATIONAL HIGHWAYS POSITION
			scheduled in such a way that mitigates any impact of staff trips at the SRN over the AM / PM network peak hours. This is recommended to be secured by a Requirement to the DCO requiring such processes to be set out. (NH RR7)

5.0 MATTERS NOT AGREED

5.1 Introduction

5.1.1 Table 5-1 provides a summary of the issues not agreed between the parties. At this stage, it is considered reasonable by both parties that there are no matters to be classed as 'Not Agreed'.

5.2 Matters Not Agreed

Table 5-1: Summary of Matters Not Agreed

SOCG ID	MATTER	THE APPLICANT POSITION	NATIONAL HIGHWAYS POSITION