

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: 9.10: Statement of Common Ground between H2 Teesside Limited and Stockton-on-Tees Borough Council

The Planning Act 2008



Applicant: H2 Teesside Ltd

Date: December 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 Stockton-on-Tees Borough Council

| | |
|--|----------|
| Planning Inspectorate Reference | EN070009 |
| Application Document Reference | 9.10 |
| Author | DWD |
| Approved By | |

| Revision | Date | Status |
|-----------------|-----------------|---------------|
| 2 | 18.12.24 | Draft |
| | | |
| | | |

STATEMENT OF COMMON GROUND

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

Signed.....

[Name]

[Position]

on behalf of H2 Teesside Ltd

Date:

Signed.....

[Name]

[Position]

on behalf of Stockton-on-Tees Borough Council

Date:

CONTENTS

| | | |
|------------|---|-----------|
| 1.0 | INTRODUCTION AND PURPOSE..... | 6 |
| 1.1 | Introduction | 6 |
| 1.2 | Parties to the SoCG | 6 |
| 1.3 | The Purpose and Structure of this SoCG..... | 7 |
| 2.0 | ENGAGEMENT WITH STBC | 8 |
| 2.1 | Summary of Engagement..... | 8 |
| 3.0 | MATTERS AGREED | 14 |
| 3.1 | Overview | 14 |
| 4.0 | MATTERS TO BE AGREED | 30 |
| 4.1 | Overview | 30 |

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 Stockton-on-Tees Borough Council ('STBC') 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 STBC

1.2.4 STBC is a relevant local authority for the purposes of Section 42(1)(b) of the PA 2008. Much of the Hydrogen Pipeline Corridor, including its associated Above Ground Installations ('AGIs'), which form part of the Proposed Development, lies within STBC's administrative boundary on the northern side of the River Tees. STBC 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, STBC 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 STBC 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 STBC

2.1 Summary of Engagement

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

Table 2.1: Engagement between the Applicant and STBC

| DATE | FORM OF ENGAGEMENT | DOCUMENT REF. (IF ANY) | DETAILS |
|------------------------|---|-------------------------------|--|
| 21 April 2023 | Briefing meeting | n/a | The Applicant met with STBC 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 STBC.</p> <p>A response was received from STBC on 25 April 2023 confirming that the Council had no comments and that the approach set out in the draft SoCC was acceptable.</p> |
| 17 May to 15 June 2023 | Statutory consultation on the SoCC | Consultation Report [APP-030] | <p>The Applicant undertook statutory consultation with STBC on a draft of the SoCC.</p> <p>A response was received from STBC on 6 June 2023 to the statutory consultation, which confirmed the authority had no comments.</p> |
| 14 September to 26 | 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 STBC on 14 September 2023 |

| DATE | FORM OF ENGAGEMENT | DOCUMENT REF. (IF ANY) | DETAILS |
|-------------------------------------|--|-------------------------------|--|
| October 2023 | | | consulting the Council on the Proposed Development. |
| 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 STBC 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. |
| 19 January 2024 | Meeting with STBC to discuss options for replacement open space land within the vicinity of Cowpen Bewley Woodland Park. | n/a | <p>At the meeting a number of potential options were presented to STBC and the Applicant explained that the intention would be to carry out a targeted consultation in respect of the preferred option.</p> <p>Following the meeting, on 2 February, the Applicant contacted STBC to advise of its decision with regard to the options presented and confirming that it would consult on the preferred option.</p> <p>An email was received from STBC on 7 February 2024 confirming that the Council had assessed the options and agreed that the Applicant's preferred option would be the best choice. STBC's response did however suggest two alternative sites elsewhere</p> |

| DATE | FORM OF ENGAGEMENT | DOCUMENT REF. (IF ANY) | DETAILS |
|------|--------------------|------------------------|---|
| | | | <p>within the Borough that it considered may be appropriate and asked if these could be considered.</p> <p>The Applicant thanked STBC for the information provided on 7 February, and confirmed that having considered those alternatives, the Applicant was of the view that the land suggested by STBC was not a suitable replacement. A key reason for this related to the fact that the land preferred by the Applicant is better related to the existing Cowpen Bewley Woodland Park, and would provide suitable equally advantageous provision for the local community in that area. The Applicant advised that this is an important aspect of the statutory tests and related guidance that applies to replacement open space land. The response confirmed that the Applicant was keen to work with STBC to agree how the replacement open space land would be planted and laid out to ensure that it was of at least the same standard as the land required for the Proposed Development.</p> |

| DATE | FORM OF ENGAGEMENT | DOCUMENT REF. (IF ANY) | DETAILS |
|-------------------------------|---|------------------------|--|
| 8 February to 10 March 2024 | Targeted consultation (statutory) in accordance with Section 42 relating to land at Cowpen Bewley, including replacement open space land. | n/a | The Applicant consulted a number of landowners (including STBC) within the vicinity of Cowpen Bewley village via a Section 42 letter on changes to the Hydrogen Pipeline Corridor in this location and proposals to provide replacement open space land at Cowpen Bewley Woodland Park. |
| 1 July 2024 | Relevant Representation ('RR') submitted by STBC. | RR-032 | RR confirming that STBC will provide detailed comments within its Local Impact Report ('LIR') and may submit a Written Representation ('WR') during the Examination. The LIR will set out the views of the STBC following a detailed appraisal of the DCO Application. The Council reserves the right to amend its position or comments following detailed analysis. STBC will continue to engage with the NSIP process and seek to work proactively with the ExA and the Applicant. |
| 4 September to 7 October 2024 | Consultation on proposed changes to the DCO Application. | n/a | A letter was issued to STBC on 4 September 2024 consulting the Council on a number of proposed changes to the DCO Application. |
| 6 September 2024 | Further meeting with STBC to discuss the replacement open | n/a | The meeting focused on the mechanism for securing the replacement open space |

| DATE | FORM OF ENGAGEMENT | DOCUMENT REF. (IF ANY) | DETAILS |
|-------------------|---|------------------------|---|
| | space land at Cowpen Bewley Woodland Park. | | land; the anticipated requirements/specification for laying out the land; and commercial discussions relating to the land and its future maintenance and management. STBC confirmed that it would provide an initial response regarding requirements/specification for laying out the land. |
| 20 September 2024 | Correspondence from STBC regarding requirements/specification for layout out the land and seeking clarification on a number of points relating to the land. | n/a | The correspondence from STBC confirms that the Council’s preferred option for the land would be a mosaic of woodland planting and areas of species rich grassland, including public access in the form of a new footpath. The correspondence seeks clarification on a number of points including landownership and the land to be included in any land transfer and wayleave restrictions relating to Northumbrian Water infrastructure and if these would prevent top soil removal to create species rich grassland and tree planting. |
| November 2024 | Correspondence between the Applicant and Tees Archaeology and site inspection being arranged. | n/a | Discussions are ongoing. The Applicant undertook trial trenching on 18 November. On 19 November the County Archaeologist from Tees Archaeology visited the Site |

| DATE | FORM OF ENGAGEMENT | DOCUMENT REF. (IF ANY) | DETAILS |
|------------------|--|------------------------|--|
| | | | where it was verbally communicated that nothing of archaeological significance was found within the trenches. A written summary of the trial trenching is being prepared and will be shared with the County Archaeologist. |
| 11 November 2024 | Correspondence from Council's Countryside and Greenspace Programme Officer. | | The Applicant is also reviewing the comments received from the Council's Countryside and Greenspace Programme Officer. A meeting was held between the Applicant and STBC on 25 November and discussions are ongoing. |
| 25 November 2024 | Further meeting with STBC to discuss the replacement open space land at Cowpen Bewley Woodland Park. | N/A | The meeting held focused on the process of transferring ownership of the replacement land to Northern Gas Networks and to STBC. The Applicant is obtaining utility data for the replacement land and will provide this data to STBC. |
| 3 December 2024 | Meeting with STBC Agent, Louis Fell to discuss land agreement | N/A | The meeting focused on reviewing the Heads of Terms for an option for an easement and the approach to highways land. Updated option plans are being produced by the Applicant and will be shared with STBC. |

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 STBC

| 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. In its adequacy of consultation response, STBC confirmed that the Applicant’s consultation had complied with the relevant legislative requirements. |
| 2. | The need for and principle of the development at this location. | Need Statement [APP-033] Planning Statement [APP-031] STBC Local Impact Report [REP1-045] | 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. 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. STBC is in agreement that the principle of the Proposed |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|---------------------------------------|----------------------------|--|
| | | | Development is support by the relevant local development plan policies (STBC LIR, paragraph 13). [REP1-045] |
| 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"> • the Overarching NPS for Energy (EN-1); • the NPS for Natural Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4); and • the NPS for Electricity Networks Infrastructure (EN-5). <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> |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|----------------------------------|----------------------------|--|
| | | | <ul style="list-style-type: none"> • The Ten Point Plan for a Green Industrial Revolution (November 2020). • The Energy White Paper – Powering our Net Zero Future (December 2020). • Industrial Decarbonisation Strategy (March 2021). • North Sea Transition Deal (March 2021). • UK Hydrogen Strategy (August 2021 and updates). • Net Zero Strategy: Build Back Greener (October 2021). • British Energy Security Strategy (April 2022). • Powering Up Britain (March 2023). • Carbon Capture, Usage and Storage: a vision to establish a competitive market (December 2023). |
| 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"> • National Planning Policy Framework (December 2024). • Planning Practice Guidance. |
| 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 Stockton-on-Tees are of most relevance to the Proposed Development:</p> |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|--|------------------------------|---|
| | | | <ul style="list-style-type: none"> • The Stockton-on-Tees Borough Council Local Plan (adopted January 2019). • The Tees Valley Joint Minerals and Waste DPDs (adopted September 2011). |
| 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 polices that apply to the Proposed Development Site within the administrative boundary of Stockton-on-Tees. The key planning allocations/designations and related policies that apply to the Site are:</p> <ul style="list-style-type: none"> • Presumption in favour of Sustainable Development – Policy SD1. • Development Limits – Policies SD2, SD3, SD4 and SD5. • General Employment Allocation/Locations – Policies SD4 and EG1. • Employment Areas/Specialist Use Locations – Policies SD4 and EG4. • Reserve Housing Land – Policies H1 and H2. • Durham Tees Valley Airport Safeguarding Area – Policy EG5. • Internationally Designated Sites (SPAs and Ramsar sites) – Policies SD5 and ENV5. • Nationally Designated Sites (SSSIs) – Policies SD5 and ENV5. • Locally Designated Sites (Local Nature Reserves) – Policies SD5 and ENV5. • Locally Designated Sites (Local Wildlife Sites) – Policies SD5 and ENV5. • Open Space – Policies SD5 and ENV5. |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|--|---|--|
| | | | <ul style="list-style-type: none"> Flood Risk – Policy ENV4. |
| 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. | 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. |
| 10. | Cowpen Bewley replacement open space land | - | The principle of providing replacement open space land on the replacement land proposed in the DCO Application is agreed. Mindful of paragraph 5.11.32 of the NPS EN-1, it is agreed that whilst the existing area of Cowpen Bewley Woodland Park is not ‘surplus to requirements’ as open space within the Borough, the benefits of the Proposed Development (including need), outweigh the potential loss of such facilities, taking into account the positive proposals made by the Applicant to provide compensatory land, which means that there is no overall net loss of open space to the Borough. |
| 11. | Compliance with local development plan policies | Planning Statement [APP-031] Planning Statement – Policy Assessment Tables [APP-032] | It is agreed that the Proposed Development complies with relevant local development plan policies. |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|---------------------------------------|--|--|
| 12. | EIA assessment methodology | ES Chapter 2 [APP-054] | It is agreed that the EIA assessment methodology contained in the ES is considered appropriate and proportionate to the preparation of an ES and sets out the topics to be assessed in terms of the potential for significant environmental effects. STBC do not consider that the ES needs to be altered or changed at this stage. |
| 13. | Assessment of alternatives | ES Chapter 6 [APP-058] | The approach taken to the assessment of alternatives at Chapter 6 of the ES is considered to be appropriate and proportionate. |
| 14. | Design parameters/‘Rochdale Envelope’ | Table 4-1 of ES Chapter 4 [APP-056] | The approach taken to design parameters and the use of the ‘Rochdale Envelope’ is considered to be appropriate and proportionate. |
| 15. | Cumulative and combined effects | ES Chapter 23 [APP-076] | The approach to identifying and assessing the cumulative and combined effects of the Proposed Development is appropriate and in accordance with relevant guidance. |
| 17. | Design, landscape and visual impact | ES Chapter 16 [APP-069] STBC Local Impact Report [REP1-045] | Due to the presence of existing large-scale industrial development and above ground pipelines within the East Billingham to Teessmouth Landscape Character Assessment Area (‘LCAA’), and the type of construction activities being undertaken, the Proposed Development will have limited potential to affect the overall character and perception of the LCAA during the lay-time and night-time context. Impacts will be over a medium geographical extent and would be temporary and reversible. STBC accepts the findings of the Landscape and Visual Impact Assessment, including the assessment of |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|---|--|--|
| | | | cumulative landscape and visual effects (STBC LIR, paragraphs 14 to 19). [REP1-045] |
| 18. | Cultural heritage/historic environment | ES Chapter 17 [APP-070] Framework CEMP [APP-043] STBC Local Impact Report [REP1-045] | STBC have no objections to the Proposed Development from a cultural heritage aspect but defer to Tees Archaeology for specialist archaeology comments. The STBC notes that the Applicant proposes mitigation measures comprising a programme of archaeological evaluation and excavation in advance of construction the details of which will be agreed with the LPA and Tees Archaeology and the implementation will be secured through a Written Scheme of Investigation and a Construction Environmental Management Plan ('CEMP') (STBC LIR, paragraphs 20 to 23). [REP1-045] |
| 19. | Traffic and Transport – The assessment of traffic and transport effects | ES Chapter 15 [APP-068] STBC Local Impact Report [REP1-045] | The assessment of traffic and transport effects set out at Chapter 15 of the ES is accepted and subject to compliance with a Construction Traffic Management Plan, secured by requirement, STBC has no traffic and transport objections to the Proposed Development (STBC LIR, paragraphs 24 to 26). [REP1-045] |
| 20. | Flood risk and drainage | ES Chapter 9 [APP-061] STBC Local Impact Report [REP1-045] | STBC are satisfied that there are no significant effects predicted for surface water, water resources and flood risk during the construction operation or decommissioning of the Proposed Development (STBC LIR, paragraphs 27 to 28). [REP1-045] |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|---|--|--|
| 21. | Geology, hydrogeology and contaminated land | ES Chapter 10 [APP-062] Framework CEMP [APP-043] STBC Local Impact Report [REP1-045] | Most of the impacts relating to geology, hydrogeology and contaminated land that are expected to arise as a result of the Proposed Development are anticipated to occur during construction. The Applicant has submitted a Framework CEMP that sets out how impacts upon geology, hydrogeology and contaminated land will be managed during construction. STBC have no concerns subject to the proposed controls being in place (STBC LIR, paragraphs 30 to 32). [REP1-045] |
| 22. | Ecology and nature conservation | ES Chapters 12 to 14 [APP-064 to 067] Framework CEMP [APP-043] STBC Local Impact Report [REP1-045] | <p>STBC defers to Natural England with regard to the conclusions of the Report to Informa Habitat Regulations Assessment ('HRA') and the proposed mitigation measures.</p> <p>To avoid impacting the designated sites or the protected species, the Proposed Development has been designed to use existing pipeline corridors where possible. The Applicant has also chosen construction methods that will minimise disturbance of habitats and species.</p> <p>While some effects are predicted for Cowpen Bewley Woodland Park Local Wildlife Site due to impacts on the woodland caused by construction work, the Applicant has identified replacement land as mitigation for the loss of woodland planting. The new area of woodland creation within the replacement open space land will be implemented as enhancement to the area of woodland lost at Cowpen Bewley. The parties have agreed to work</p> |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|---------------------|--|--|
| | | | <p>together to agree the layout and planting of this land and regular meetings and dialogue are ongoing in respect of this.</p> <p>It is agreed that the biodiversity and mitigation measures, including those set out in the Framework CEMP, are acceptable. (STBC LIR, paragraphs 33 to 36) [REP1-045].</p> |
| 23. | Air quality | <p>ES Chapter 8 [APP-060]</p> <p>Framework CEMP [APP-043]</p> <p>STBC Local Impact Report [REP1-045]</p> | <p>It is agreed that the main air quality effects for Stockton are likely to be experienced during the construction phase of the hydrogen pipeline and associated AGIs. While there may be some dust effects experienced during construction, the proposed mitigation measures are considered to be adequate and proportionate.</p> <p>STBC defers to Natural England in respect of the assessment of air quality effects at designated ecological/nature conservation sites (STBC LIR, paragraphs 37 to 39) [REP1-045].</p> |
| 24. | Noise and vibration | <p>ES Chapter 11 [APP-063]</p> <p>Framework CEMP [APP-043]</p> | <p>For the noise assessment the extent of the study area has been defined to include the closest receptors/communities in each direction from the Main Site, Construction Compounds, and Connection Corridors, and those that may be affected by changes in road traffic flows during the construction phase.</p> <p>It is mainly the construction of the Connection Corridors that will affect sensitive receptors in Stockton and it is considered that mitigation and</p> |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|------------------------------|---|---|
| | | STBC Local Impact Report [REP1-045] | adherence to a CEMP should manage these temporary effects appropriately (STBC LIR, paragraphs 40 to 41) [REP1-045]. |
| 25. | Socio-economics and land use | ES Chapter 18 [APP-071] Schedule 2 of the Draft DCO [APP-027] STBC Local Impact Report [REP1-045] | <p>The Application addresses the potential effects of the Proposed Development on employment, local businesses and the local population during the construction, operation and decommissioning phases and outlines significant (beneficial) effects as a consequence of construction, operation (including maintenance) and decommissioning of the Proposed Development. STBC supports this view (STBC LIR, paragraphs 43 to 44) [REP1-045].</p> <p>It is agreed that Requirement 26 ‘Employment, skills and training plan’ of the draft DCO [APP-027] will provide an appropriate mechanism by which to employment, skills and training opportunities for local residents.</p> <p>STBC have recommended that the Applicant engage with Stockton Employment and Training Hub for future recruitment needs. The Applicant is committed to working with STBC and other bodies and agencies to develop the Employment, Skills and Training Plan.</p> |
| 26. | Major accidents disasters | ES Chapter 20 [APP-073] STBC Local Impact Report [REP1-045] | STBC notes that the Application states that the engineering design, construction and operation of the Proposed Development will incorporate appropriate standards and mitigation measures necessary to reduce the risks to an acceptable level, i.e. as low as is reasonably practicable (‘ALARP’), which is the standard expected by the regulatory authorities (Health and Safety Executive ‘HSE’ and Environment Agency). |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|---|---|---|
| | | | <p>STBC also notes that as well as an Environmental Permit, the operational plant will be regulated by the HSE as a Control of Major Accident Hazards ('COMAH') site and based on the design of the Proposed Development and the proposed operational control measures to be applied, no significant effects have been identified.</p> <p>STBC defer to the appropriate agencies and the Cleveland Emergency Planning Unit for comment on this aspect of the Proposed Development (STBC LIR, paragraphs 45 to 47) [REP1-045].</p> |
| 27. | Materials and waste management | <p>ES Chapter 21 [APP-074]</p> <p>Draft DCO [APP-027]</p> | <p>STBC Environmental Health agreed that no significant cumulative impacts have been identified from waste in Chapter 21 'Materials and Waste Management' of the ES. The ES confirms that a site waste management plan would be submitted for approval in respect of the Proposed Development. This would be secured by Requirement 15 'Construction environmental management plan'. STBC has no objections to this approach to waste management.</p> |
| 28. | Construction Environmental Management Plan ('CEMP') | <p>Framework CEMP [REP2-011]</p> <p>Draft DCO [APP-027]</p> | <p>In its response to ExA Q1.13.11 [REP2-044], STBC raised that there is no information in Framework CEMP on how noise complaints would be rectified.</p> <p>In response the Applicant has confirmed that it would be for the relevant EPC Contractor to set out in the Final CEMP(s) submitted for approval the procedure for how complaints would be investigated and rectified. The Framework CEMP [REP2-011] Table 7.4 includes that noise complaints should</p> |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|----------------------------|--|--|
| | | | <p>be monitored reported to the EPC contractor and immediately investigated. These complaints would be kept in a log book available on request.</p> <p>It is agreed that the measures relating to noise complaints can be reviewed when the Final CEMP(s) as submitted to the planning authority for approval pursuant to Requirement 15 'Construction environmental management plan'.</p> |
| 29. | Construction working hours | <p>ES Chapter 11 [APP-063]</p> <p>Schedule 2 of the Draft DCO [REP2-005]</p> | <p>STBC have raised that the construction working hours set out in the ES and within Requirement 19 'Construction hours' of the Draft DCO [APP-027] go beyond the hours that the Council normally recommends. STBC have confirmed that its standard practice is to limit construction works to between 0800 to 1800 hours on Mondays to Fridays and between 0900 to 1300 on Saturdays, with no construction activity, including demolition, on Sundays or on Bank Holidays. STBC requested that the proposed construction working hours set out a Requirement 19 of the Draft DCO are reduced in line with other developments within its administrative area.</p> <p>Requirement 19 as currently drafted states that construction work and the delivery or removal of materials, plant and machinery relating to the Proposed Development must not take place on bank holidays nor otherwise outside the hours of:</p> <p>(a) 0700 to 1900 hours on Monday to Friday; and</p> <p>(b) 0700 to 1600 hours on a Saturday.</p> |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|---------------|-------------------------------|---|
| | | | <p>The Applicant has advised STBC that construction working hours included within the draft DCO are required to maintain the construction programme for the Proposed Development and also have the benefit of avoiding the need for deliveries and removals of materials and plant and machinery taking place during peak hours on the local highway network.</p> <p>Further to the above, that the approved construction working hours within the Net Zero Teesside DCO (Requirement 20) [REP1-009], which also includes works within Stockton-on-Tees in the form of the carbon dioxide gathering network pipelines and Above Ground Installations, including works within the vicinity of the connections corridors for the Proposed Development, allow for work to take place between 0700 to 1900 hours on Monday to Friday and 0700 to 1300 hours on Saturday.</p> <p>The Applicant’s assessment of the Proposed Development in terms of matters such as noise and vibration (ES Chapter 11) [PDA-007] has not identified the Proposed Development as resulting in effects that would warrant more restrictive construction working hours than the NZT Project.</p> <p>Notwithstanding the above, the Applicant has amended Requirement 19 of the Draft DCO so that the construction working hours for the Proposed Development on Saturday are 0700 to 1300 hours, consistent with the NZT Project.</p> <p>STBC has confirmed its agreement to this change to the construction working hours on the basis that these hours would still prevent construction noise at</p> |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|--|----------------------------|---|
| | | | sensitive times of day. STBC notes that complaints against such works can be investigated as a statutory nuisance and/or in accordance with BS5228:2014, whereby if required, additional controls could be placed on the Applicant outside of the planning regime should there be complaints which are justified. |
| 30. | DCO Articles – Article 10 ‘Power to alter layout of streets’ | Draft DCO [APP-027] | <p>In its response to ExA Q1.9.16 [AS-033] STBC stated that it considered that Article 10 ‘Power to alter layout of streets’ of the Draft DCO [APP-027] should be more precise and refer to Schedule 4 or the submitted plans.</p> <p>The Applicant provided a response to Q1.9.16 at Deadline 2 [REP2-026]. This stated that while the power sought might appear wide, the consent of the street authority is required in order for the power to be exercised, which the Applicant considers provides the requisite level of input and control. The implications of not including such a provision are that the undertaker would not have the power to alter the layout of streets which is necessary in order to deliver the Proposed Development. This would then require a separate Section 278 agreement to be entered into with the relevant highway authority outside of the DCO regime, which could lead to a delay in the implementation of the Proposed Development and is contrary to the ‘one-stop shop’ approach to powers and consents enabled by the PA 2008.</p> <p>It is now agreed between the parties that Article 10 as drafted is appropriate.</p> |
| 31. | DCO Articles – Article 39 ‘Planning permission etc.’ | Draft DCO [APP-027] | In its response to ExA Q1.9.31 [AS-033], STBC sought further information on the affect of Article 39 ‘Planning permission etc.’ of the Draft DCO [APP-027]. |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|-----|-----------------------------------|----------------------------|--|
| | | | <p>In its response [REP2-027], the Applicant set out that it would not be a breach of the DCO if development is carried out or used within the Order Limits in accordance with any planning permission granted under Section 57 of the Town and Country Planning Act 1990 (the ‘TCPA 1990’). The relates to both existing and future planning permissions granted under the TCPA 1990. The effect of Article 39 is explained at paragraphs 3.7.2 to 3.7.4 of the Explanatory Memorandum [APP-028].</p> <p>STBC has confirmed that it is satisfied with the response provided by the Applicant on this matter and has no further comments on this article.</p> |
| 32. | DCO Requirements – Requirement 19 | Draft DCO [APP-027] | <p>In its response to ExA Q1.9.52 [AS-033], STBC sought more clarification on start-up and shutdown periods.</p> <p>The Applicant has provided further clarification on this matter in its response ExA to Q1.9.52 submitted at Deadline 2. In order that the Draft DCO is more consistent with the terminology in the Framework CEMP, the Applicant has amended Requirement 19(4)(a) at Deadline 2 so that instead of “<i>start-up</i>” and “<i>shut-down</i>” periods the reference is made to “<i>mobilisation and de-mobilisation periods.</i>”</p> <p>STBC is satisfied with the amendment that has been made to Requirement 19 ‘Construction hours’ of the Draft DCO [REP2-005].</p> |

| NO. | MATTER AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY |
|------------|----------------------|---------------------------------------|--|
| 33. | DCO requirements | Draft DCO [APP-027] | It is agreed that the drafting of the DCO requirements at Schedule 2 of the Draft DCO [REP2-005] is appropriate. STBC have no other comments on the requirements. |
| 34. | Trial Trenching | ES Chapter 17 [APP-070] | Discussions regarding the above are ongoing – the Applicant undertook trial trenching on 18 November 2024 and a County Archaeologist from Tees Archaeology visited the Site to inspect the excavation of the trial pit on 19 November where it was verbally communicated that nothing of archaeological significance was discovered. A report of the trial trenching is being prepared and will be shared with Tees Archaeology. |

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 STBC

| NO. | MATTER TO BE AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY | |
|-----|--|----------------------------|---|--|
| | | | STBC POSITION | APPLICANT POSITION |
| 1. | Cultural heritage/historic environment | | <p>Q1.7.4 – Tees Archaeology consider the non-designated WWII anti-landing glider posts and ridge and furrow surrounding Cowpen Bewley to be of high and medium heritage value respectively and propose mitigation measures to address these.</p> <p>Q1.7.6 – Tees Archaeology do not consider that Requirements 13 ‘Archaeology’ and 15 ‘CEMP’ are sufficient to secure cultural heritage mitigation. Also request that “intrusive archaeological surveys” are included in the definition of permitted preliminary works.</p> <p>Q1.7.7 – Tees Archaeology concerned over implementation of protocol for unknown archaeological deposits encountered during construction</p> | <p>Q1.7.4 The Applicant acknowledges Tees Archaeology’s comments in relation to the non-designated WWII anti-landing glider posts and ridge and furrow surrounding Cowpen Bewley. Mitigation measures to protect heritage assets are secured via Requirements 13 and 15 of the draft DCO [REP2-004].</p> <p>Q1.7.6 The Applicant does not consider that an Archaeological Management Strategy is required and that the measures already secured via Requirements 13 and 15 of the draft Development Consent Order [REP2-</p> |

| NO. | MATTER TO BE AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY | |
|-----|---------------------|----------------------------|---------------|--|
| | | | STBC POSITION | APPLICANT POSITION |
| | | | | <p>005] are sufficient to secure cultural heritage mitigation and protect the archaeological and cultural heritage assets in this location. The Applicant would also refer to the response to ExQ1.7.5 of the Response to ExQ1 Cultural Heritage [REP2-025] which sets out more detail about how the mitigation is secured.</p> <p>The definition of permitted preliminary works, as drafted in the Draft Development Consent Order (reference EN070009/APP/4.1), specifically includes ‘archaeological investigations’, which inherently covers intrusive archaeological surveys.</p> <p>Q1.7.7 Archaeological matters will be addressed through of a programme of archaeological evaluation and mitigation to be set out in Site-Specific Written Scheme of Investigations to be</p> |

| NO. | MATTER TO BE AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY | |
|-----|--|----------------------------|---|--|
| | | | STBC POSITION | APPLICANT POSITION |
| | | | | prepared and approved by the Local Planning Authorities prior to construction. |
| 2. | Schedule 13 of the draft DCO – The procedure [APP-027] for the discharge of the DCO requirements is appropriate. | Draft DCO [APP-027] | In its response to ExA Q1.9.70, STBC state that the 5-day period specified in Schedule 13 ‘Procedure for discharge of requirements of the Draft DCO is not considered reasonable. STBC notes the Applicant’s response to ExA Q1.9.69 but still has concerns over a 5 day period. | Schedule 13 of the Draft DCO sets out the same procedure as approved by the Secretary of State (‘SoS’) for the Net Zero Teesside Order 2024 [REP1-009] and which apply to two out of three of the relevant planning authorities relevant to H2Teesside, including STBC. As a result, the timeframes set out have precedent and have been considered to be reasonable by the SoS. |
| 3. | Cowpen Bewley replacement open space land – A scheme for the replacement open space land. | Draft DCO [APP-027] | Discussions are ongoing relating to the replacement open space land at Cowpen Bewley Woodland Park. STBC’s Countryside and Greenspace Programme Officer has raised concern (comments dated 11.11.24) over the creation of an access track to the eastern edge of the existing AGI at Cowpen Bewley and how that may impact | The Applicant met with STBC on 6 September 2024 to explain and discuss the mechanism for securing the replacement open space land at Cowpen Bewley Woodland Park as set out in Article 29 of the draft DCO [APP-027], in addition to the anticipated |

| NO. | MATTER TO BE AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY | |
|-----|---------------------|----------------------------|---|--|
| | | | STBC POSITION | APPLICANT POSITION |
| | | | <p>on land designated as Local Wildlife Site under criteria A1 (Great Crested Newts ‘GCN’). The Officer has also raised concern over the loss of woodland habitat for the creation of any access routes.</p> <p>With regard to the replacement land, the Countryside and Greenspace Programme Officer has stated that the Council would not be in a position to re-draw the LWS boundary to take in the replacement land as the habitat would be unsuitable and the watercourse is an obstacle (newts will not enter and cross running water), and that overall the Proposed Development represents a net loss of LWS, not only to the land lost to the Proposed Development, but also a change from existing woodland to access track.</p> | <p>requirements/specification for laying out the land. STBC undertook to provide outline proposals to the Applicant by 20 September 2024. STBC also undertook to provide a proposal to the Applicant with regard to the future management and maintenance of the land.</p> <p>STBC provided a response on 20 September 2024 confirming that the Council’s preferred option for the land would be a mosaic of woodland planting and areas of species rich grassland, including public access in the form of a new footpath. STBC’s response also seeks clarification on a number of points including landownership and the land to be included in any land transfer and wayleave restrictions relating to Northumbrian Water infrastructure and if these would prevent top soil</p> |

| NO. | MATTER TO BE AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY | |
|-----|---------------------|----------------------------|---------------|--|
| | | | STBC POSITION | APPLICANT POSITION |
| | | | | <p>removal to create species rich grassland and tree planting.</p> <p>The Applicant has responded to these points and confirmed that there is no intention to cause any further woodland loss than has been assessed in the ES. No impacts are predicted to GCN, and in an event the Proposed Development has entered the DLL scheme for any impacts to be mitigated. The information provided by STBC will be discussed with the Council in order to agree an approach to the land, pursuant to the provisions of article 29 of the DCO.</p> <p>The Applicant’s response to ExA Q1.14.20 at Deadline 2 confirms that the layout of the land is secured through Article 29 of the Draft DCO.</p> |

| NO. | MATTER TO BE AGREED | DOCUMENT REF (IF RELEVANT) | COMMENTARY | |
|-----|---------------------|----------------------------|--|---|
| | | | STBC POSITION | APPLICANT POSITION |
| 4. | Land Agreements | | STBC is in active commercial discussions with the Applicant with regards to the rights to be acquired over Council Land in relation to the Proposed Development. STBC is looking to enter into a voluntary agreement with the Applicant in respect of all land interests to be acquired. | The Applicant is in on-going commercial discussions with STBC with a view to the parties entering into a voluntary agreement with regard to their land within the Order Limits, including the Cowpen Bewley Woodland Park land. |

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.