

Our Ref: DW/137478/009a
Date: 17 September 2024

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Dear Sir / Madam,

**Application by H2 Teesside Limited for an Order Granting Development Consent for the H2 Teesside Project
Written Representation (WR) on behalf of Venator Materials UK Ltd**

Fairhurst have been instructed by Venator Materials UK Ltd ('Venator') to submit this Written Representation to The Planning Inspectorate regarding the above application submitted by H2 Teesside Limited for a hydrogen production plant of up to 1,200 megawatt thermal capacity, pipelines, and associated development. Venator have submitted a previous representation to this project on 24 June 2024.

Venator Materials UK Limited ("Venator"), own and operate Venator Greatham Works which is partially within the Development Consent Order (DCO) boundary for the proposed development. As a result, Venator are an Interested Party in the Examination of the above Application. Venator Greatham Works uses large industrial combustion equipment in the manufacture of Titanium Dioxide pigments at the site they own and occupy to the southeast side of Tees Road, Greatham, Hartlepool, TS25 2DD. Venator is a leading supplier of titanium dioxide, colour pigment, timber treatment and functional additive products in the UK and globally. As part of its decarbonisation plans, Venator are considering switching fuel of its combustion equipment from natural gas to low carbon hydrogen. This would have the potential, depending on both the availability of hydrogen and the amount of the equipment switched to dual-fuel operation, to reduce CO2 emissions from Venator Greatham Works by an estimated 90 kilotonnes per annum (ktpa). In principle, therefore, Venator welcomes the development of the H2 Teesside Project in the Tees Valley region. The Project could provide the low carbon hydrogen supply that Venator requires to implement its decarbonisation plans.

The Land Plans which accompany the Applicant's DCO submission correctly identify that Venator are the owner and / or occupier of the following land parcels of which the Applicant seeks rights:

- Permanent Rights (i.e. freehold to be compulsory acquired and in relation to which it is proposed to extinguish easements, servitudes and other private rights – 7/35, 7/40;
- Temporary Rights (i.e. temporary use of land and in relation to which it is proposed to extinguish or suspend easements, servitudes and other private rights) – 7/29, 7/30, 7/31, 7/32, 7/33, 7/36, 7/37; and
- New Rights and Temporary (i.e. new rights to be compulsory acquired and in relation to which it is proposed to extinguish easements, servitudes and other private rights – 7/25, 7/38, 7/39, 7/41.

With reference to the Examining Authority's Initial Assessment of Principal Issues, Venator's representation focusses on Compulsory Acquisition and Temporary Possession; more specifically:

ABERDEEN
BIRMINGHAM
BRISTOL
DUNDEE
EDINBURGH
ELGIN
GLASGOW
HUDDERSFIELD
INVERNESS
LEEDS
LONDON
NEWCASTLE
PLYMOUTH
SEVENOAKS
TAUNTON
THURSO
WATFORD
WESTHILL

- The need for and amount of land, rights and powers sought to be compulsorily acquired and whether the intended use for the plots is clear;
- Whether the temporary possession powers sought are justified and proportionate;
- Whether there is a compelling case in the public interest for the compulsory acquisition of the land, rights and powers sought and justify interference with Human Rights and would accord with the Equality Act 2010; and
- Whether all reasonable alternatives to compulsory acquisition and temporary possession have been fully explored.

Venator has been, and continues to be, in commercial discussions with the Applicant to enable the usage of the hydrogen produced by the Project at Venator Greatham Works and it therefore supports the principle of the Project, and in particular, that the Project proposals include the necessary infrastructure and associated powers to distribute hydrogen to Venator Greatham Works. There are, however, land and operational issues arising from the Applicant's DCO submission that Venator is seeking to be resolved before they can fully support the proposed development. Venator note Paragraph 1.1.41 of the Statement of Reasons submitted by the Applicant which states that '*...[Connection Corridor Routings] have been refined and flexibility has been retained where design and landowner / stakeholder negotiations are progressing...*' Venator can confirm that there have been discussions to date with the Applicant and these discussions are ongoing. However, to date, Venator consider that insufficient evidence has been provided by the Applicant which demonstrates that the extent of the rights proposed to be acquired are justified and proportionate; and whether all reasonable alternatives have been explored to justify interference with Human Rights. Venator continue to approach such discussions in a positive manner. However, without a suitable agreement or position of common ground, Venator's concerns remain over the impact of the pipeline route preventing Venator's ability to extend their operations in the future. Due to the extent of Venator's land ownership at Greatham Works, the only land which could be used to extent the plant is currently proposed for a potential pipeline route. The risk of prejudicing the future extension of Greatham Works is therefore a key concern for Venator.

The extension of Venator Greatham Works is supported by local planning policy contained in the Hartlepool Local Plan 2018. The existing site and other land within Venator's ownership is identified as 'Specialist Industries' under Policy EMP4 of the Local Plan which supports development subject to the following criteria:

- Proposals will not have a significant adverse visual impact, noise impacts, air quality, water quality and supply, health or safety risk to people in the surrounding area and also to existing and proposed land uses;
- The presence of hazardous substances which cannot be mitigated against or appropriately dealt with, or the further extension of safeguarding zones around installations, will not inhibit the full opportunity for development of other sites in the vicinity;
- Development of essential infrastructure must avoid areas of high hazard unless supported by a Flood Risk Assessment that demonstrates that flood risk can be effectively managed throughout the lifetime of the development.

It is, therefore, reasonable to conclude that there is in principle local planning policy support for any future extension to the Venator Greatham Works.

Venator remain hopeful that it will be possible to reach agreement with the Applicant on land right requirements; and for hydrogen supply on mutually acceptable terms. However, at the present time, Venator hereby notify the Examining Authority of their:

- Wish to speak at an Open Floor Hearing (Issue Specific – Compulsory Acquisition and Temporary Possession); and
- Wish to speak at a Compulsory Acquisitions Hearing should this be a separate Hearing to the above Open Floor Hearing.

I trust that the content of this Written Representation clearly sets out the position of Venator. Venator look forward to continuing discussions with the Applicant and receiving their comments on this Written Representation by Deadline 2 on Thursday 3 October 2024.

Should you have any queries regarding the content of this Written Representation please don't hesitate to contact me.

Yours sincerely,



Dominic Waugh MRTPI
Principal Director

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