

**SUMMARY WRITTEN REPRESENTATION
ON BEHALF OF REDCAR BULK TERMINAL LIMITED (“RBT”)**

**APPLICATION BY H2TESSIDE LIMITED FOR AN ORDER GRANTING DEVELOPMENT
CONSENT FOR THE H2 TESSIDE PROJECT (REF.: EN070009/APP/4.1)**

THE H2TESSIDE ORDER 202*

1. RBT is the operator of the deep-water marine terminal on the River Tees. It is a regionally important facility.
2. RBT does not object to the principle of the Project in so far as it does not detrimentally impact the Terminal. RBT objects to the inclusion of the compulsory powers as they affect the Terminal.
3. To withdraw its objection, RBT requires:
 - (i) H2T to enter into an agreement that will:
 - a) Regulate the manner in which rights over plots are granted to H2T and the relevant works are carried out; and
 - b) Confirm that compulsory acquisition powers will not be exercised in relation to such land;
 - (ii) Remove Plots 13/8 and 13/9;
 - (iii) The inclusion of Protective Provisions which safeguard the Terminal's continued operation; and

(iv) Provisions which regulate any competing use of the Terminal by NZT.

4. Negotiations are on-going.
5. RBT owns or has an interest in 178 plots over which compulsory powers are sought, the compulsory acquisition of most of which could end RBT's business operations.
6. There is insufficient detail in the application to assess whether or not the powers sought are proportionate. There is no plot by plot explanation as to why the plot is required or justifying the extent of the power sought. This level of information does allow the assessment of whether or not the compulsory purchase powers sought are proportionate and no more than is reasonably required. The Secretary of State cannot therefore conclude that there is a compelling case in the public interest for the powers sought.

REDCAR BULK TERMINAL LIMITED

3 October 2024