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**Date:** 3 October 2024  
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**Sent via email: h2teesside@planninginspectorate.gov.uk**

To Whom It May Concern

**Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by H2Teesside Limited for an Order Granting Development Consent for the H2Teesside Project**

**Unique Reference: 20049403**

**Response to Deadline 2 – Response to Applicant Comments on RRs**

This letter is sent on behalf of Navigator Terminals Limited (“Navigator”), registered as an Interested Party for the above application, in accordance with Deadline 2.

Response to Applicant Comments on RRs

Please see below for Navigator’s response the Applicant’s comments on Navigator’s relevant representation.

Notification of wish to attend ASI

Navigator will only attend the ASI to the extent that a representative will be available for any inspections on Navigator’s land.

I trust that the below is clear however please do not hesitate to contact me should you have any queries.

Yours sincerely

[REDACTED]

**Peter Nesbit**  
*Partner*  
Eversheds Sutherland (International) LLP

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**Response to Applicant Comments on Navigator’s RR**

**Navigator Terminals Limited**

<b>NAVIGATOR RELEVANT REPRESENTATION ISSUE</b>	<b>APPLICANT’S RESPONSES</b>	<b>NAVIGATOR COMMENTS</b>
<p>Object to current acquisition of land and rights.</p> <p>At the northern end of the North Tees site is a partially undeveloped site fronting onto the River Tees, the majority of which has been included within the draft order limits (Plots 11/24, 11/43, 11/45-49). This site, whilst partially undeveloped, is strategically important to Navigator. It is immediately adjacent to Navigator’s existing bulk storage site and also contains a research facility operated by Intertek in its north west corner. To the north of the site is a tunnel and pipeline corridor (both operated by Sembcorp) through which pass various pipelines that cross under the river Tees.</p> <p>Navigator has already earmarked a significant proportion of the site for its own CO2 hub development.</p> <p>-Rail to Zero carbon capture rail corridor from Ferrybridge to Teesside</p> <p>-NZE is using part of this site for a compound</p> <p>Navigator must be satisfied that any proposal will: Not prevent its land being used for its own important net zero related projects; Be planned collaboratively with all stakeholders and other</p>	<p>The Applicant acknowledges the concerns and objection raised by Navigator Terminals regarding the acquisition of land and rights within their North Tees site including the partially undeveloped areas at the northern end.</p> <p>The Applicant and Navigator Terminals have been engaged in discussions about the current and future uses of the land included within the Order Limits since January 2023. Terms are at an advanced stage for the use of Plots 11/24, 11/49, 11/47, 11/48, and part of 11/45 for a temporary construction compound and the temporary and permanent rights associated with the laying of the Hydrogen Pipeline.</p> <p>The majority of the undeveloped land within the Order Limits will be utilised on a temporary basis, and the construction programme has been discussed with Navigator with a view to aligning timings between the Proposed Development and Navigator’s own net zero-related projects on the same land. The Applicant is also conducting technical investigations to provide greater certainty and reduce optionality regarding the river crossing from Navigator Terminals. Terms are in early discussions in regard to temporary construction activities over Plot 11/55 and the acquisition of rights over</p>	<p>As it currently stands, Navigator’s concerns remain and a private treaty agreement is not yet in place.</p> <p>It would assist if Navigator were provided with detail in relation to the greater certainty and optionality mentioned.</p> <p>Receipt of draft protective provisions as soon as possible would also assist.</p>

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<p>project developers, to avoid the inefficient use of land; as opposed to a “first come first served” approach.</p>	<p>Plots 11/56, 11/66, and 11/58 for the river crossing tunnel head.</p> <p>The Applicant is also committed to a collaborative approach that involves close coordination with Navigator Terminals and other interested parties within the Order Limits, to ensure the efficient and effective use of land that considers the needs and interests of all involved stakeholders.</p> <p>The Applicant is confident that through continued discussions and collaboration with Navigator Terminals, a voluntary agreement can be reached.</p>	
<p>There must also be protection for others’ interest such as Intertek who operate from the site</p> <p>Any works proposed on this site must firstly be located and planned very carefully so as to avoid disturbance to the busy Intertek building and any impacts on existing pipeline infrastructure. As already mentioned, there is a safety dimension to this because of the upper tier COMAH status of the Navigator site and the presence of MAH pipelines.</p>	<p>The Intertek lease area is not within the Order Limits and the Applicant will engage with Intertek to address concerns in relation to their access and operations.</p> <p>The Applicant understands the need to plan and locate any proposed works carefully to avoid any disturbance to existing operations and to ensure the safety and integrity of the existing pipeline infrastructure.</p> <p>The Applicant is committed to adhering to safety standards and to working collaboratively with all relevant stakeholders to ensure that these safety concerns are adequately addressed, given the upper tier COMAH status of the Navigator site and the presence of Major Accident Hazard pipelines.</p>	<p>Navigator look forward to seeing this addressed in draft protective provisions.</p>

<p>Navigator proposes that the DCO include protective provisions to offer protection in relation to its interests.</p>	<p>The Applicant and Navigator Terminals Ltd have agreed that the bespoke NZT DCO Protective Provisions for the benefit of Navigator Terminals are a suitable starting point for protective provisions negotiations, subject to making any necessary updates to reflect the specific nature and interactions of the proposed development.</p> <p>The Applicant has agreed to undertake an initial review of the NZT DCO Protective Provisions in this regard and will issue draft Protective Provisions to Navigator Terminals Ltd shortly.</p>	<p>No protective provisions have been received to date; Navigator will update on this in due course.</p>
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