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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 ExQ1

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 ExQ1

Please see below for Navigator’s response to the ExA’s written questions.

Where Navigator have no comment on a written question, these questions are not included for brevity.

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 ExQ1
Navigator Terminals Limited

ExQ1	Question to:	Question	Response
Q1.6.51	Applicant and Navigator	Objections to the grant of powers of CA and TP. The RR of Navigator Terminals Ltd [RR-013] states at paragraph 2.4 that it has proposals for development on areas of underdeveloped land which may be impacted by the Proposed Development. Please detail how this issue is being progressed with the Applicant and if changes to the design are anticipated and if they are likely to impact on the CA requirements and Order Limits.	The Applicant has in its response to Navigator's RR recorded its latest position to which we have responded.
Q1.6.62	Applicant, relevant IPs	General, Detailed or Other Matters. Please detail any land which, following acquisition of rights or freehold and extinguishment of existing right, will be inaccessible, severed, have no access or will be economically unviable.	There are compulsory acquisition powers sought over access to Navigator's site and over land through which Navigator's pipeline passes and the Applicant has not provided any comfort to date that Navigator's interests in that land will not be extinguished. Navigator would expect this to be addressed in protective provisions and would encourage the Applicant to provide draft protective provisions.
Q1.9.28	Applicant and IPs.	Clarification. Article 32 (Temporary use of land for carrying out the authorised development) – Article 32(5)(b) provides an exemption whereby "the undertaker is not to be required to... (b) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development." Please define the term 'ground strengthening works' and provide written examples and/ or drawings of what they would be likely to consist of. Additionally the ExA would ask: •	Navigator's response is dependent upon greater specificity in relation to the proposed works which we understand has been requested by the ExA.

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		The Applicant for an explanation of the potential implications of having to removing 'ground strengthening works' should Article 32(5)(b) be removed. • Interest Parties for their views as to any potential implications of leaving such 'ground strengthening works' in situ.	
Q1.9.67	IPs and Statutory Undertakers	Clarification Schedule 12 (PPs) – Please provide details of discussions and progress regarding PPs (if applicable). If you are in agreement with PPs relevant to you, please confirm this, if not, either provide copies of preferred wording for PPs, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used. Note, if this is provided in the requested Land Rights Tracker please signpost this to the ExA.	No draft protective provisions have been received from the Applicant to date.
Q1.10.4	IPs	Views sought. Can the relevant bodies please confirm whether they have any comments or observations in respect of the Framework CEMP [APP-043]?	Navigator's expectation is that any site/operation specific concerns in relation to construction and environmental management are expected to be addressed in protective provisions.
Q1.17.1	Applicant relevant IPs and	Update/ Views sought. It would be necessary to use accesses in the ownership and use of a number of IPs and other operators. A number of RRs have raised maintenance of their access rights as an issue. Please could all parties provide an update on whether access concerns remain and if the DCO or relevant PPs offer suitable protection to IPs?	No draft protective provisions have been received from the Applicant to date.