

National Infrastructure Planning
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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: 20049372

Response to Deadline 2 – Response to ExQ1

This letter is sent on behalf of CF Fertilisers UK Limited ("CFL"), registered as an Interested Party for the above application, in accordance with Deadline 2.

Response to ExQ1

Please see below for CFL's response to the ExA's written questions.

Where CFL 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
CF Fertilisers UK Limited

ExQ1	Question to:	Question	Response
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.	<p>The Applicant is seeking extensive rights acquisition with the ability to extinguish and amend rights over land, which may sever access rights onto CFL's main site.</p> <p>It should be noted that protective provisions have been recently provided and are in the process of being reviewed.</p>
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: • 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.	<p>CFL's response is dependent upon greater specificity in relation to the proposed works which we understand has been requested by the ExA.</p>

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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.	Protective provisions have been recently provided and are in the process of being reviewed.
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?	Access remains an issue but CFL are reviewing the recently received protective provisions.