

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date: 02 October 2024
Our Ref: DARRAGZ\INDIVIDUAL-76081
Direct: [REDACTED]
Email: [REDACTED]@eversheds-sutherland.com

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: 20049382

Response to Deadline 2 – Response to Applicant Comments on RRs

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

Response to Applicant Comments on RRs

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

Notification of wish to attend ASI

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

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

Yours sincerely

Zara Darragh
Associate
Eversheds Sutherland (International) LLP

cloud_uk\233495933\1\darragz

Response to Applicant Comments on INEOS's RR

	INEOS Relevant Representation Issue	Applicant Response	Further Comment from INEOS
1.	<p>2.6 In addition to this, land is also sought for a temporary construction compound and accessway (plots 10/22 and 10/23). Whilst the principle of using part of INEOS' site for such purposes would be supported, INEOS has concerns that the part of the site selected is not practicable without significant impacts to its own development proposals. INEOS has already been in discussions with the Applicant to relocate the construction activities here to the "Dow land" being that part of the site which is currently leased to Dow Chemicals – the Applicant is in discussion with Dow Chemicals accordingly.</p>	<p>The Applicant has engaged with INEOS Nitriles (UK) Limited (INEOS Nitriles) since February 2023, including issuing land interest questionnaires and holding constructive technical discussions in relation to the Proposed Development and INEOS' land.</p> <p>The Applicant acknowledges the concerns raised by INEOS Nitriles regarding the practicability of using plots 10/22 and 10/23 for a temporary construction compound. In response to the feedback from INEOS, the Applicant has worked collaboratively with both INEOS Nitriles and The Dow Chemical Company to confirm the requirements for the construction compound.</p> <p>In addition to engagement on use of the 'Dow Land' (Plots 10/22 and 10/23), The Applicant is looking to continue technical and commercial discussions relating to the use of all the land required by the compound and accesses, as plots 9/20, 10/18, 10/19, 10/20, 10/21, 10/46 and 10/47 are also required for temporary construction activities.</p> <p>Discussions with The Dow Chemical Company regarding the use of the "Dow land" are</p>	<p>INEOS looks forward to the Applicant engaging further private treaty negotiations and receiving draft protective provisions.</p>

cloud_uk\233495933\1\darragz

Eversheds Sutherland (International) LLP is a limited liability partnership, registered in England and Wales (number OC304065), registered office One Wood Street, London EC2V 7WS. Authorised and regulated by the Solicitors Regulation Authority (SRA number 383181). A list of the members' names and their professional qualifications is available for inspection at the above office.

Eversheds Sutherland (International) LLP is part of a global legal practice, operating through various separate and distinct legal entities under Eversheds Sutherland. For a full description of the structure and a list of offices, please visit www.eversheds-sutherland.com.

		<p>ongoing, and the Applicant is committed to reaching a voluntary agreement that satisfies all parties involved if possible.</p> <p>The Applicant will continue to engage with INEOS Nitriles and The Dow Chemical Company to seek to address any remaining concerns.</p>	
2.	<p>3.2 INEOS proposes that the DCO includes protective provisions to offer protection in relation to its interest INEOS proposes to work with the Applicant to agree suitable protective provisions.</p>	<p>The Applicant and INEOS Nitriles are engaged in negotiations regarding the acquisition of land and rights necessary for the Proposed Development.</p> <p>The Applicant and INEOS Nitriles have agreed that the NZT DCO Protective Provisions are a suitable starting point for protective provisions negotiations between the parties subject to making any necessary amendments 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 and will issue draft Protective Provisions to INEOS Nitriles shortly.</p>	<p>INEOS has not yet received the draft protective provisions and therefore cannot comment as to whether these are reflective of the agreed principles</p>

cloud_uk\233495933\1\darragz

Eversheds Sutherland (International) LLP is a limited liability partnership, registered in England and Wales (number OC304065), registered office One Wood Street, London EC2V 7WS. Authorised and regulated by the Solicitors Regulation Authority (SRA number 383181). A list of the members' names and their professional qualifications is available for inspection at the above office.

Eversheds Sutherland (International) LLP is part of a global legal practice, operating through various separate and distinct legal entities under Eversheds Sutherland. For a full description of the structure and a list of offices, please visit www.eversheds-sutherland.com.