

The Planning Inspectorate  
Temple Quay House  
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Bristol  
BS1 6PN

Your Ref:  
Our Ref: EXA.NOR081.68  
Doc No: 45683766v2  
Date: 03 October 2024

For electronic submission via Planning Inspectorate Project Webpage

Dear Sirs

**H2 Teesside Project - Application for Development Consent - Planning Act 2008**  
**Reference:EN070009**  
**Our Client: Northumbrian Water Limited**  
**Response to Examining Authority's First Written Questions and Letter of Objection**

We are instructed by Northumbrian Water Limited ("NWL") in relation to the application for a Development Consent Order ("DCO") in respect of the H2 Teesside Project (the "Project").

NWL are landowner, statutory undertaker and a Statutory Party for the purposes of The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015. For the avoidance of doubt, NWL hereby give notice that it wishes to be considered an Interested Party for the purposes of this matter pursuant to Section 89(2A)(b) of the Planning Act 2008.

We hereby respond to the Examining Authority's First Written Questions on behalf of NWL as set out below.

In respect of ExQ1 1.15.1, we can confirm that no agreement has yet been reached between our client and the Applicant as regards water supply to the proposed development during operation and as such the basis for the delivery of the necessary raw water supply is unclear.

In response to EXQ1.6.44 (albeit we note the question was directed at the Applicant) we would note that no protective provisions and/or asset protective agreements have yet been agreed with NWL, and as such NWL cannot confirm that it will not suffer serious detriment to the carrying on of its undertaking as a result of the compulsory acquisition of land or as a result of the acquisition of rights over land by the Applicant.

In response to EXQ1.9.67, we can confirm that to date no agreement has been reached with NWL as regards the protective provisions and NWL is unable at present to agree the Protective Provisions set out in Part 1 of Schedule 12 to the Draft Order.

As a result of the matters set out above, NWL must register its objection to the proposed DCO pending the agreement of suitable protective provisions and/or asset protective agreement and also the resolution of the matter of raw water supply to the proposed development during operation.

We will endeavour to make contact with the Applicant's representatives and reach agreement in respect of the matters set out above at the very earliest opportunity, including supplying a copy of the relevant protections to be incorporated in the DCO. We would in any event invite the Applicant's representatives to make contact with ourselves to reach agreement on the necessary matters as soon as possible.

In addition, please accept this correspondence as confirmation that a representative of NWL wishes to attend the Accompanied Site Visit on 12 November 2024. The identity of the NWL representative will be provided as soon as possible.

Yours faithfully

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