

**PLANNING ACT 2008**

**THE INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED FORMS AND  
PROCEDURE) REGULATIONS 2009**

**H2Teesside**

**EN070009**

---

**Summary of the Oral Submission of Sembcorp Utilities (UK) made at CAH1  
Interested Party Reference: 20049379**

---

## 1. Introduction

1.1 This written summary of oral submissions is submitted in accordance with Deadline 4 of the examination timetable for the application by H2Teesside Limited (the "**Applicant**") for an Order under the Planning Act 2008 granted Development Consent for the H2Teesside Project (the "DCO").

1.2 The summary of oral submissions relates to submissions made at Compulsory Acquisition Hearing 1 ("**CAH1**") on 13 November 2024 on behalf of Sembcorp Utilities (UK) Limited ("**Sembcorp**").

## 2. Sembcorp

2.1 As outlined during the CAH1, Sembcorp is a leading provider of sustainable solutions supporting the UK's transition to Net Zero. Sembcorp helps energy users and suppliers improve their efficiency, profitability, and sustainability.

2.2 At the Wilton site, Sembcorp supplies customers with the development land, energy and utilities they need to operate. Sembcorp also provides the essential Sembcorp Pipeline Corridor crossing the River Tees and takes on the crucial role of coordinating all users of the pipeline corridor.

2.3 A relevant representation, now with reference RR-015 in the Examination Library (the "**RR**"), was submitted on behalf of Sembcorp in connection with the proposed DCO.

2.4 The RR details those plots in which Sembcorp has an interest. There are a significant number of plots, particularly around the Wilton estate and the Sembcorp Pipeline Corridor.

2.5 The importance of Wilton and its connections with various industry at North Tees and Billingham is fully explained in the RR.

2.6 As outlined during CAH1, in essence, in connection with the Sembcorp Pipeline Corridor, Sembcorp;

2.6.1 acts as central body responsible for the management of all infrastructure within the Sembcorp Pipeline Corridor including the organisation and coordination of activities;

2.6.2 maintains the shared infrastructure within the corridor; and

2.6.3 facilitates the safe operation of that infrastructure.

2.7 Sembcorp's role is importantly underpinned by an interconnected web of reciprocal rights and obligations. These are essential in order for Sembcorp to discharge its functions and to ensure the on-going safe operation of the infrastructure. The rights are enforceable against Sembcorp as the contracting party to the easements or licences and, conversely, Sembcorp is able to enforce customers' obligations in order to protect the collective interest in the safe, efficient and effective operation of the Sembcorp Pipeline Corridor and the businesses that use it whether at Wilton or elsewhere upon Teesside.

## 3. Safety and coordination

3.1 It was outlined in the CAH1 that the Applicant seeks to compulsorily acquire extensive new permanent rights and extinguish and override the rights of others within what is described in the RR as the Sembcorp Pipeline Corridor that runs between Wilton and Billingham via North Tees. In addition, the Applicant seeks to acquire rights within other pipeline corridors within the Wilton estate.

- 3.2 Such rights have historically only ever been granted by private treaty agreements, allowing Sembcorp to continue to perform the role described in its RR. If unchecked compulsory acquisition is permitted, it has the potential to remove Sembcorp's key control and in doing so, would seriously undermine and prevent Sembcorp from performing its functions, as agreed with other parties utilising the corridor.
- 3.3 It was noted during the CAH1 that the previous project to seek such powers, Net Zero Teesside ("NZT"), was able to agree suitable protective provisions with Sembcorp to ensure that this risk was managed. Ultimately, this was followed by a suite of private treaty agreements which followed the previous convention. The Applicant seeks to follow this successful approach and has recently shared a draft set of protective provisions and heads of terms for private treaty agreements. Whilst this is welcomed by Sembcorp, it was hoped that more progress might have been made by this stage of the examination in line with paragraph 25 of the CA Guidance (DCLG 2013). The parties are now meeting regularly to progress matters as quickly as possible.
- 3.4 Should appropriate protective provisions not be included within the DCO, then Sembcorp considers that compulsory acquisition powers should not be granted over the Sembcorp Pipeline Corridor or the Wilton estate within the DCO. Permitting such powers would be seriously detrimental to the significant number of existing businesses reliant on the continued safe and uninterrupted operation of the infrastructure within the corridor and the Wilton estate.

**Eversheds Sutherland (International) LLP**

**20 November 2024**