

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

Date: 20 November 2024
Our Ref: NESBITP\355379.000004
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: 20049403

Response to Deadline 4 – Comments on any other submissions received at DL3

This letter is sent on behalf of Navigator Terminals Limited (“Navigator”), registered as an Interested Party for the above application, in accordance with Deadline 4.

Comments on Applicant’s responses to Deadline 2 submissions

Please see below for Navigator’s response to the Applicant’s responses to Deadline 2 submissions.

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

COMMENTS ON THE APPLICANT'S RESPONSES TO DEADLINE 2 SUBMISSIONS

REFERENCE	SOURCE DOCUMENT(S)	IP ISSUE/THEME	APPLICANT RESPONSE	NAVIGATOR RESPONSE
Navigator1	Responses to comments on Relevant Representations [REP2-086]	<p>Navigator Terminals concerns are still in place and a private treaty is not yet in place. Navigator would like to be provided with detail in relation to the greater certainty and optionality on the river crossing and aligning timings between the Proposed Development and Navigators own Net Zero project, as well as the draft of the Protective Provisions.</p> <p>Navigator have not yet received a copy of the Protective Provisions.</p>	<p>For timings, the project schedule has detailed design and construction in 2025 to 2028. Within this, one year (52 weeks) has been allowed for the Tees Crossing. A Project schedule with dependencies shows the Tees Crossing approximately mid-way through the construction phase (2026 and 2027) however this may change as the schedule is refined and start dates or durations of preceding activities is adjusted. The Applicant would look to engage with Navigator on specific timing for construction so as not to impact other planned developments.</p> <p>Draft protective provisions have been issued to Navigator Terminals Seal Sands Limited and Navigator Terminals North Tees Limited for review.</p>	Noted. Draft Protective Provisions to be reviewed.
Navigator2	Responses to the Examining Authority's First Written Questions (ExQ1) [REP2-087]	<p>Q1.6.62 - Compulsory acquisition powers are being sought by the Applicant over access to Navigator's site and over land through which their pipeline passes and the Applicant has not confirmed that their interests will not be extinguished.</p> <p>Q1.9.28 - The implications of leaving 'ground strengthening works' in situ, as provided for by Article 32(5)(b) is dependent on greater specificity in relation to the proposed works and precisely what may be left in situ on decommissioning, which we understand has been requested by the EXA. Q1.9.67 - No draft protective provisions have been received from the Applicant to date.</p> <p>Q1.9.67 - Navigator have not received a copy of the Protective Provisions</p> <p>Q1.10.4 - Navigators expectation is that any specific operation/site concerns will be addressed by Protective Provisions.</p>	<p>01.6.62 Draft protective provisions have been issued to Navigator Terminals Seal Sands Limited and Navigator Terminals North Tees Limited for review. The Applicant looks forward to progressing negotiations and working with Navigator Terminals to resolve their concerns.</p> <p>01.9.28 The impacts of installing ground strengthening is already accounted for in the ES by assessing the impacts of the construction phase. This article simply requires for such areas to be retained. This would not prevent the Applicant putting in place the commitments it already put in place to ensure that habitats are restored, as per the OLBMP.</p> <p>The Applicant's response to question 1.9.28 in Response to ExQ1 Draft Development Consent Order [REP2-027] provided the following examples of ground strengthening works which may be relevant to the proposed development:</p> <ul style="list-style-type: none"> • The need to strengthen the ground to accommodate crane pads, to allow cranes to operate safely; and • Works to strengthen the ground to accommodate heavy plant and machinery required for the construction phase <p>Q1.9.67 See above Q1.6.62 response.</p> <p>Q1.10.14 See above 1.6.62 response.</p>	Noted. Draft Protective Provisions to be reviewed.