

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

Date: 20 November 2024
Our Ref: NESBITP\073687.010162
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: 20049374

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

This letter is sent on behalf of PD Teesport Limited ("PDT"), 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 PDT'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	PDT RESPONSE
PDTeesport1	Responses to comments on Relevant Representations [REP2-093]	1. PD Teesport have not yet received any Protective Provisions	The Applicant is finalising draft protective provisions to issue to PD Teesport imminently for review.	Noted.
PDTeesport2	Responses to the Examining Authority's Written Questions (ExQ1) [REP2-094]	<p>2. 01.6.52 - PDT Represent their tenants interests in terms of access rights and protection of assets and services on their land. A number of these businesses will not be registered as IPs. PDT will liaise with the Applicant and its tenants with regards to the Emergency Access road discussed in PDT's RR.</p> <p>3. Q1.6.53 - Areas within the Order Limits, such as Tees Dock roundabout to the BOC Middlesborough site, the emergency access road and Riverside ro-ro are problematic to PDT as a Statutory Harbour Authority in the absence of suitable PPs</p> <p>4. Q1.9.14 - Dis-application. To the extent the Applicant wishes to disapply any of those conditions, it should specify which ones and provide justification in each instance which we will respond to.</p> <p>5. Q1.6.7 - PDT understands that the BOR is not accurate with respect to the emergency access road. PDT have a lease over Plot 7/3 which is not recorded in the BoR.</p> <p>6. Q1.6.62 - The emergency access road is leased to PDT from the Crown Estate and others - the leases do not appear to be in the BoR. Other access affected by CA Powers include PDT's access to its land at Redcar Bulk Terminal, in the Seal Sands area and from the Teesdock roundabout.</p> <p>7. Q1.9.28 - Require greater specificity in the proposed works.</p> <p>8. Q1.9.67 - Await Protective Provisions</p>	<p>01.6.52, 01.6.53 - Please see response above to PDTeesport1. The Applicant is committed to engaging with PD Teesport to resolve access concerns and agree appropriate protective provisions.</p> <p>01.9.14- The purpose of article 9(2)(a) and article 9(2)(b) is to disapply certain byelaws, directions and licensing provisions in force pursuant to the Tees and Hartlepool Port Authority Act 1966, Tees and Hartlepool Authority Revision Order 1974 and Tees and Hartlepool Harbour Revision Order 1994 to ensure that the Applicant has sufficient flexibility to build the scheme efficiently and is not restricted by byelaws, directions or licensing requirements that would impose restrictions on its construction, operations and methodologies.</p> <p>The article disapplying these statutory provisions in the Draft Development Consent Order [REP2-004] has precedent in article 9(2) of the The Net Zero with Teesside Order 2024 (NZT) where these statutory provisions are disapplied for NZT work numbers 2A (natural gas connection), 6 (CO2 pipeline), 10 (highway improvements) and any works that may be carried out in association with those numbered works.</p> <p>Given the similar location of elements of the H2Teesside Project to elements of NZT, the Applicant included drafting to disapply the same statutory provisions on the basis that this would be required to facilitate the construction and operation of H2Teesside Project as it was for NZT.</p> <p>Q1.6.7 ---Please see response to 1.6.62.</p> <p>Q1.6.62 The Applicant has included PDT's registered lease for title CE118857 on</p>	<p>Q1.6.52, 01.6.53 – Noted.</p> <p>Q1.9.14 – For the reasons explained by PDT in its oral submissions at ISH2 (DCO hearing) and the written summary thereof, the disapplication of these provisions is not considered acceptable by PDT.</p> <p>Q1.6.62 – We are taking instructions on this and will respond to the Applicant separately with further information.</p> <p>Q1.9.28 – Noted.</p> <p>Q1.9.67 – Noted.</p> <p>Q1.17.1 – Noted.</p>

		<p>9. Q1.17.1 - Await Protective Provisions and therefore all concerns raised in PDTs RR remain outstanding.</p>	<p>plots 7 /5, 7 /9 and 7/14 and for title CE118856 on plot 7/18,7 /20. Plot 7/3 is a registered lease under title CE26683 and belongs to Norpipe Oil AS and Norpipe Petroleum UK Limited. The Applicant asks PDT to confirm the registered lease referenced and its location in relation to Order Plots, as only a small section of the emergency access road appears to be registered (plots 7/18, 7/20).</p> <p>Q1.9.28 - 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 - Please see response above to PDTeesport1.</p> <p>Q1.17.1- Please see response above to PDTeesport1.</p>	
--	--	--	---	--