

PLANNING ACT 2008

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

H2Teesside

EN070009

Unique Reference: 20049403

Oral submissions of Navigator Terminals Limited for CAH1

1. **Introduction**

- 1.1 This written summary of oral submissions is submitted in accordance with Deadline 4 of the examination timetable for the development consent application made by H2 Teesside Limited (the "Applicant") for the H2Teesside project (the "Project").
- 1.2 This summary of oral submissions relates to submissions made at Compulsory Acquisition Hearing 1 ("CAH1") on 13 November 2024 on behalf of Navigator Terminals Limited ("Navigator").

2. **Navigator**

- 2.1 Navigator is the UK's leading independent bulk liquid storage provider operating four terminals, each strategically located in major UK ports and serving key demand centres within the UK.
- 2.2 Situated on the north bank of the River Tees, Navigator Terminals Seal Sands facility is fully integrated into the pipeline system of the UK's largest chemical cluster and is also connected by pipeline to the neighbouring Navigator Terminals North Tees.
- 2.3 Full details of Navigator's operations, site and upper tier COMAH designation are contained in its relevant representation (ref. RR-013).
- 2.4 Navigator raised two broad issues at CAH1:
 - 2.4.1 The justification for the extent of compulsory acquisition; and
 - 2.4.2 The use of extinguishment and overriding powers.

3. **The justification for the extent of compulsory acquisition**

- 3.1 The order limits include a large portion of Navigator's land at its North Tees facility. It is considered that the proposed land-take in this area is excessive and disproportionate to the works proposed, which amounts to a tunnel head, access and associated infrastructure.
- 3.2 It is understood that this results in the Applicant's requirement for flexibility in the final engineering solution for crossing the river with new pipelines. However, Navigator considers that it is reasonable to expect the Applicant to have progressed its design in this respect to allow a much smaller area of flexibility.
- 3.3 As set out in Navigator's relevant representation, this is one of the only available areas for Navigator's future expansion and is the location of a proposed CO2 hub development which is currently the subject of a planning application and is undergoing consultation. The order limits, both permanent and temporary acquisition, overlap with this project and if granted in the current form are likely to prejudice its development.
- 3.4 With regard to the extensive temporary powers sought within the Navigator site, again, this is considered to be excessive. Navigator has suggested an alternative to the Applicant; rather than seeking temporary possession of the eastern part of the site, it could instead seek to share a construction compound with the Net Zero Teesside project, which has already negotiated agreements with Navigator for the western part of the site. This would be an efficient use of land and would reduce impacts on Navigator's own development proposals.

4. **Extinguishment and overriding powers**

4.1 Navigator and many other businesses in the area utilise pipelines, pursuant to rights and easements, within the corridors that the applicant has included within order limits. These pipelines carry a range of substances which are essential for continued operations of the terminal. Article 23 of the draft Development Consent Order would allow the Applicant to interfere with or even remove this critical infrastructure and on the face of the order, there are no control mechanisms to prevent this.

4.2 Furthermore, a number of access routes into the Navigator site are identified as being subject to permanent rights acquisition. Again, this would allow the Applicant to interfere with Navigator's rights of access to its site and should be subject to appropriate controls.

Eversheds Sutherland

20 November 2024