

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

Date: 20 November 2024
Our Ref: NESBITP\051652.010291
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: 20049372

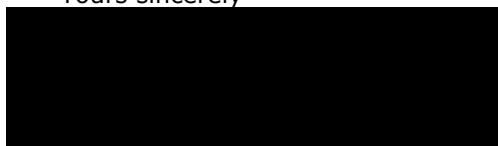
Response to Deadline 4 – Comments on any other submissions received at DL3

This letter is sent on behalf of CF Fertilisers UK Limited ("CFL"), 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 CFL'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



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	CF RESPONSE
CF1	Responses to comments on Relevant Representations [REP2-076]	<p>In response to the Applicant's commitment to adhering to safety standards and working collaboratively with CFL and other stakeholders to ensure safety concerns are addressed, CFL noted that it would expect a framework to provide a way to deal with safety concerns.</p> <p>A clear mechanism for the Applicant to engage with CFL during decommissioning is required.</p> <p>CFL are unable to yet comment on whether PPs are sufficient to protect CFL's critical infrastructure as CFL has not received the draft protective provisions.</p> <p>CFL awaits more detailed pipeline designs from the Applicant.</p>	<p>The Applicant issued a draft side agreement and protective provisions to CFL on 26 September 2024 and is awaiting CFL's comments on the draft documents. The Applicant is not clear on the framework CFL is seeking to address any safety concerns. The Applicant is willing to discuss this matter as well as any issues regarding the protection of CFL's critical infrastructure. The Applicant will liaise directly with CFL to discuss and clarify these requests.</p> <p>The requirement in paragraph 28 of Schedule 2 to the dDCO [REP 2-004] requires the relevant planning authority to approve the decommissioning environmental management plan, which the Applicant considers is appropriate.</p> <p>The Applicant is progressing the pipeline designs and will provide in due course. Refer to drawing 2.17 [REP1-003] for typical elevations of aboveground pipeline sections. Within that drawing, the pipe bridges are representative of the elevated pipe racks within CFL land. The proposed construction technique is lifting of line pipe via small mobile cranes from adjacent roads onto the racks. The Order Limits have been developed to allow space for this operation to take place.</p>	Noted. CFF wishes to be consulted on the draft decommissioning environmental management plan as part of the relevant requirement.
CF2	Responses to the Examining Authority's First Written Questions (Ex01) [REP2-077]	<p>01.6.62 - some of the compulsory acquisition rights sought may sever access rights onto CFL's main site – CFL is reviewing PPs</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</p> <p>Q1.17.1 - Issues regarding access remain an issue but may be alleviated through PPs which are currently under review.</p>	<p>01.6.62 The Applicant has been careful to avoid permanent severance of access across the Project and intends to manage any temporary severance on a case by case basis with the Affected Parties. The Applicant welcomes further discussion with CFL to discuss this in detail. The Applicant looks forward to receiving CFL's comments on the drafted PPs.</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. 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>Q1.17.1 The Applicant refers to its response to question 1.6.62 above.</p>	Noted. Further protection in this respect will be sort in protective provisions.

