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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: 20049382

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

This letter is sent on behalf of INEOS Nitriles (UK) Limited (“Ineos”), 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 Ineos’ 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 APPLICANT'S RESPONSES TO DEADLINE 2 SUBMISSIONS

REFERENCE	SOURCE DOCUMENT(S)	IP ISSUE/THEME	APPLICANT RESPONSE	INEOS RESPONSE
INEOS1	Responses to comments on Relevant Representations [REP2-080]	INEOS looks forward to the Applicant engaging further private treaty negotiations and receiving draft protective provisions.	<p>The Applicant is actively engaging with INEOS Nitriles (UK) Limited to negotiate Heads of Terms for the land agreements required for the Proposed Development. These negotiations are at an advanced stage due to multiple elements of the agreements having precedence set by prior agreements between the two parties. The Applicant remains in regular correspondence and will work further with INEOS to settle any outstanding concerns or deviations from those prior agreements.</p> <p>The Applicant has had meaningful discussions with INEOS Nitriles and has agreed high level principles for protective provisions drafting. The Applicant's solicitors are currently drafting Protective Provisions reflective of these principles to issue to INEOS Nitriles for review and expect to issue these imminently.</p>	Protective Provisions to be reviewed and negotiated.
INEOS2	Responses to the Examining Authority's First Written Questions (ExQ1) [REP2-081]	<p>01.6.62 - The access roads around Seal Sands, which provide the main access to INEOS' site will be impacted by the compulsory acquisition of rights or freehold and extinguishment of existing right.</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>Q1.17.1- In response to the ExA's request for an update on INEOS' concerns regarding access, INEOS noted that no draft protective provisions have been received from the Applicant to date.</p>	<p>Q1.6.62 - Inaccessible or Severed Areas of Land The Applicant can confirm that no areas of land within the INEOS site will be permanently severed or rendered inaccessible as a result of the development. Any temporary impacts will be managed to minimise disruption to operations, and access will be maintained as far as possible.</p> <p>Q1.9.28 - Clarifications Regarding Article 32(5)(b) and Ground Strengthening Works 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>01.9.67 - Protective Provisions (PPs) The Applicant refers to its response to INEOS1 above. Discussions regarding the content of the PPs are ongoing, and the Applicant will continue to engage with INEOS to discuss INEOS' concerns.</p> <p>Q1.17.1- Access Concerns from Interested Parties Please see response to INEOS1 above.</p>	Noted - matters to be addressed in Protective Provisions.

