

National Infrastructure Planning
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Date: 24 February 2025
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To Whom It May Concern

**Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination
Procedure) Rules 2010 – Rules 8 and 9**

**Application by H2Teesside Limited for an Order Granting Development Consent for
the H2Teesside Project**

Unique Reference: 20049372

Response to Deadline 8

This submission is made on behalf of CF Fertilisers UK Limited ("CFL"), registered as an Interested Party for the above application, in accordance with Deadline 8.

CFL's closing submissions can be found appended to this letter.

I trust that the above is clear however please do not hesitate to contact me should you have any queries.

Yours sincerely

██████████
Associate

Eversheds Sutherland (International) LLP

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PLANNING ACT 2008

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

H2Teesside

EN070009

Closing Submissions on behalf of CF Fertilisers UK Limited

Date	24 February 2025
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1. INTRODUCTION

- 1.1 We are instructed by CF Fertilisers UK Limited ("CFL") in relation to the development consent application made by H2 Teesside Limited (the "Applicant") for the H2Teesside project (the "Project").
- 1.2 These are the closing submissions made on behalf of CFL.
- 1.3 CFL's position has been set out in its respective Relevant Representation (RR-011) ("RR") and Oral Representations (REP4-035) ("OR").
- 1.4 CFL and the Applicant continue to negotiate the protective provisions. As such, all objections previously raised by CFL remain valid as set out in the RR and OR. We summarise those objections below. It is not clear at this stage whether the objections are capable of being resolved by protective provisions.

2. SUMMARY OF OBJECTION

- 2.1 CFL maintains that the acquisition of land and rights within its site is not necessary for the development of the Applicant's hydrogen network, nor that there would be a compelling case in the public interest for the grant of compulsory acquisition powers, since future hydrogen connections in this area are either modest (for example building heating) or entirely speculative.
- 2.2 CFL remains concerned that the Applicant has not adequately explored alternative options that would avoid the need for compulsory acquisition. In particular, the hydrogen pipeline does not need to be routed into the CFL site, it could instead continue along the existing pipeline corridor running along the eastern edge of the site adjacent to the cooling towers.
- 2.3 In addition, the Applicant has identified a large site (plot 1/31) for temporary possession within the CFL site. This site is a valuable plot, since it is close to an electricity grid connection, other utility connections and has excellent access and security arrangements. CFL has had multiple approaches from parties wishing to purchase or take a lease of this land. The speculative inclusion of this plot within the DCO limits is likely to sterilise the land for future development in the short to medium term. There is, however, a vacant site immediately to the north which is currently understood to be available. CFL consider that this would be a preferable alternative, if in fact the site is needed at all.
- 2.4 Finally, CFL continues to be concerned with regards to safety on the basis that the proposed infrastructure also inherently gives rise to major accident/hazard risks and is subject to either or both of The Pipelines Safety Regulations 1996 and the Control of Major Accident Hazards Regulations 2015 (the "COMAH Regulations"). Both of these Regulations require that the Operator (CFL) ensures that the risks from potential major accidents are assessed and appropriate safety management systems to control those risks are in place. The Protective Provisions, in their current form, are inadequate to address a number of potentially complex interactions with CFL's existing operations and it is therefore continuing negotiations with the Applicant to seek appropriate protections.