

Planning Act 2008
Application by H2 Teesside Limited for an Order Granting Development
Consent for the H2Teesside Project
Deadline 8
Natara Global Limited ("Natara")

1. Fieldfisher LLP acts for Natara (Interested Party Reference Number 20049369).
2. Natara's position remains as described in their Written Representations and as reserved in the representations made at the CAH1, CAH2 and deadline 7.
3. Natara continues to have no objection to the Application in principle, provided that appropriate protective provisions are inserted on the face of the Order or preferably a comprehensive compromise agreement is agreed and entered into.
4. Natara has made it clear that is willing to enter into a contractual agreement to grant temporary and permanent rights over its Property so that the Applicant can construct and operate the Project, provided appropriate terms can be agreed.
5. Fieldfisher did not receive a substantive response on the agreements sent to Pinsent Masons on 20 December 2024 by 17 January 2025. We received a revised agreement on 27 January 2025. Fieldfisher then replied on 30 January 2025 setting out the key issues that needed to be addressed.
6. The Parties subsequently had a meeting on 5 February 2025 during which Natara raised serious concerns about the extent of control the Applicant was seeking over Natara's land and operations. Amendments to a proposed agreement went beyond the powers sought in the Order. Natara saw no justification or compelling case for the contractual rights sought. It also sees no case for the rights that the Applicant seeking over Natara's land in the Order. On several occasions the Applicant has stated that it does not need all the land and rights it is seeking in the Order with respect to Natara's land and operations.
7. Natara expected a substantive response on or around 12 February 2025. On 24 February 2025 at 16.49, Natara was provided with draft protective provisions, which will need to be reviewed by Natara and Fieldfisher. Given that a response was not received until 16.49 on deadline 8 and Fieldfisher have been unable to review the updated draft, Natara has no option, but to put this submission in.
8. It is Natara's view that the negotiations for an agreement/protective provisions are not being progressed in a sufficiently timely manner. It is over two months since Natara submitted a draft suite of documents to the Applicants' advisors, which would have resolved its objection.
9. Natara therefore requests that the Examining Authority programme a further hearing date in order to address protective provisions in favour of Natara where no agreement has been completed as at 28 February 2025.
10. If the Examining Authority is of the view that a further hearing date is not practicable, Natara requests that the agreement of appropriate protective provisions be dealt with by way of written representations.
11. In such case, to the extent that no protective provisions are agreed between the parties, Natara will request that amendments are made to the Order to include protective provisions drafted by Fieldfisher on behalf of Natara to adequately safeguard its business and operations.
12. We would remind the Applicant that the use of compulsory purchase powers is a matter of last resort and that negotiations for the relevant rights should take place.

13. Natara is of the view that the Applicant has not complied with the guidance on the use of CPO powers under the Planning Act 2008 which provides that:

- a. Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.
- b. The applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. The applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.
- c. The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected.

14. On this basis, there is no compelling case for the land and rights being sought by the Applicant and the Order should not be made in its current form.

15. If the Examining Authority would like further information on any of the points referred to above Fieldfisher is happy to provide this.

Fieldfisher LLP
24 February 2025