

27 June 2025

John Wheadon
Head of Energy Infrastructure Planning Delivery and Innovation
Department for Energy Security and Net Zero
c/o H2 Teesside Case Team
The Planning Inspectorate (via email)
Temple Quay House, 2 The Square
Bristol, BS1 6PN

Dear John,

**Representation by Deloitte LLP on behalf of North Tees Group Limited – Interested Party
Reference H2TS- AFP101**

Application by H2 Teesside for an Order granting Development Consent for the H2 Teesside Project (EN070009).

This representation relates to the application by H2Teesside (the “Applicant”) for an order under the Planning Act 2008 granting Development Consent for the H2 Teesside Project (the “Project”) for a carbon capture enabled hydrogen production facility and hydrogen distribution network.

This representation is made on behalf of North Tees Limited. North Tees Limited related group companies include North Tees Land Limited, North Tees Landfill Sites (Cowpen) Limited, North Tees Rail Limited and North Tees Waste Management Cowpen Limited (“NTL”) in its capacity as both a Category 1 and 2 Person with an Interest in the Land.

In response to your Request for Information letter dated 13 June 2025, it is acknowledged that paragraphs 15 and 17 in respect of Protective Provisions (‘PPs’) and legal side agreements, asks:

*‘15. The Applicant, **NTG**, and NWL should provide any updates regarding whether bespoke PPs have been voluntarily agreed upon since the close of the Examination. Where PPs are now agreed, copies should be provided. An update should still be provided if bespoke PPs have not been agreed.’ And*

*17. If any further legal side agreements have been made for the protection of assets in relation to the Proposed Development, information on these should be provided by the Applicant, AA, NZNSS, NZTP, **NTG**, and NWL as well’. Bold our emphasis.*

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Since the close of the H2 Teesside examination, NTL has reached out the Applicant and their advisors to progress matters in relation to Protective Provisions.

Two updates on this matter have been sent to the Planning Inspectorate on the 17th April 2025 and 12th May 2025 respectively and are attached to this correspondence as Appendix 1 and 2. In providing these updates to the Inspectorate it was acknowledged that the examination had concluded and additional matters submitted would be considered on a discretionary basis; we therefore welcome the opportunity to provide this update to DESNZ.

NTL has been trying to engage with the Applicant for a considerable amount of time. NTL's preference would have been to have had more detailed engagement prior to the close of examination with a view to reaching an agreed position in respect of the Protective Provisions sought by NTL. We have sought to update the ExA at appropriate points in the examination whilst pursuing active engagement with the Applicant. NTL's preferred Protective Provisions and subsequent amendments to them have been shared and discussed with the Applicant, however, agreement has not been reached.

In summary the revised PPs seek to protect NTL's interests in:

- NTL Estate and;
- The Linkline Corridor

Both in respect of its own future developments and to avoid congestion of the Linkline Corridor that could prejudice NTL's future development plans.

It is fundamental that Protective Provisions require the Applicant to obtain NTL's consent where any works are required within the Order Limits (and not only where works would have an effect on land adjacent to the Order Limits).

NTL has sought to assist the Applicant in providing draft protective provision which are consistent with those agreed with other parties.

H2 Teesside has been provided with NTL's revised preferred Protective Provisions.

There has been no update to the position as shared on the 12th May 2025 with the Inspectorate.

NTL respectfully request that the Secretary of State considers making the suggested changes to the dDCO as this submission to address the matters raised.

It is crucial to NTL's current operations and future development ambitions that it's rights of access and freehold ownership are maintained in the fullest extent possible.

Yours sincerely



Deloitte LLP

Appendix 1 17th April 2025 Correspondence with Appendix 1a

Appendix 2 12th May 2025 Correspondence