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10 June 2025

To the Secretary of State for Energy Security and Net Zero and the Examining Authority for the Project

Case: EN070009 H2Teesside

Subject: Status Update by the Applicant as to Status of Objection and Protective Provisions

Definitions

"**Applicant**" means H2Teesside Limited;

"**Natara**" means Natara Global Ltd of Belasis Avenue, Billingham, Stockton-on-Tees with Interested Party Reference Number 20049369. [About - Natara](#);

"**Project**" means a carbon capture enabled hydrogen production facility of up to 1.2 gigawatts thermal; gas, electricity and water connections; a hydrogen distribution network; a carbon dioxide export pipeline; and ancillary and associated development land within the boroughs of Redcar and Cleveland and Stockton-on-Tees, Teesside and within the Borough of Hartlepool, County Durham; and

"**Property**" means land and buildings on the south side of Belasis Avenue, Billingham, Stockton-on-Tees which is registered at HM Land Registry with title number CE154562 (as shown on Plan 2 attached hereto).

Fieldfisher LLP act for Natara.

Natara is a global leader in manufacturing aroma chemicals and natural extracts for the flavour and fragrance industry. The Property is one of four sites, globally, and plays a critical role in Natara's

manufacturing process, which also takes place in the United States and China. This requires the Property to be continuously operational so that there is no impact on the global supply chain for Natara's products.

Specifically, the Property is a production facility that specialises in distillation, extraction and compounding. Key products include cocoa, coffee, balsam resinoids and their oils, mint oils, clove oils, aroma chemicals, hot-blended resins and extracts. In practical terms these processes utilise chemicals that require specialist handling and storage conditions, due to their sometimes hazardous nature. It is essential that Natara be allowed to comply with its legal and regulatory obligations so that the manufacturing of its products is carried out in a safe and environmentally sustainable manner.

Natara has been actively seeking to reach agreement with the Applicant on suitable protective provisions following submission of the application, throughout the Examination and continues to do so.

Natara's position remains as described in their written representations and as reserved in the representations made at the CAH1, CAH2 and deadlines 7 and 8 and 9. Natara submitted a position statement with protective provisions that it would find acceptable to the Examining Authority on 28 February 2025. This submission was necessary, as the Applicant did not seek to negotiate the draft agreement that was sent to their legal advisors on 20 December 2024.

Following the closure of the Examination on 28 February 2025, the Applicant did not provide revised versions of the draft protective provisions until 15 April 2025. Further discussions were then held between the parties in April but despite chasing and receiving assurances that revised documents to reflect those documents would be forthcoming, no further revised documents were received by Natara until 29 May 2025 (being the day after the Examining Authority submitted its recommendation for the Project to the Secretary of State).

The discussions that have taken place between the parties have principally focussed on the costs incurred to date as opposed to resolving differences on the scope and extent of the exercise of the powers sought under the proposed development consent order for the Project. In this respect we do not believe that Applicant has complied with The Guidance on the use of CPO powers under the Planning Act 2008 which states:

- 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.
- 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.
- 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.

We are of the view that Applicant is ultimately seeking to rely on the powers in the proposed DCO and is not properly engaging with Natara. This can be demonstrated in the pattern of engagement with Natara and other parties throughout the Examination where responses were only provided in order to comply with deadlines. These responses were limited in nature. We can provide full details of this as necessary.

Whilst Natara has no objection to the Project in principle and is supportive of the purpose of the Project, is concerned about the potential impacts of the Project on the Property and its business unless appropriate protective provisions are agreed in respect of both the short term rights and permanent rights to be acquired

particularly in respect of the roadway within the Property (shown coloured blue on Plan 2) which is the only route of access and egress into or out of the Property (the "**Roadway**").

Activities at the Property include constant access by HGVs and on-site movement between production areas and warehousing using heavy machinery that requires adequate space to manoeuvre in what is already a constrained site (as can be clearly seen from the plans attached hereto).

The Project intends to use the site for temporary access and siting /use of materials and cranes and also for the acquisition of permanent easements over the Roadway.

Given how crucial the Roadway is to Natara global operations and also to the value of the site, Natara is seeking assurances and limits on how any order powers (by the operator or via any ancillary derived powers e.g. in respect of streets of services) will affect the Property.

Natara continues to work to enter into a mutually acceptable agreement with the Applicant. However, in the event that it is not possible to do they respectfully request:

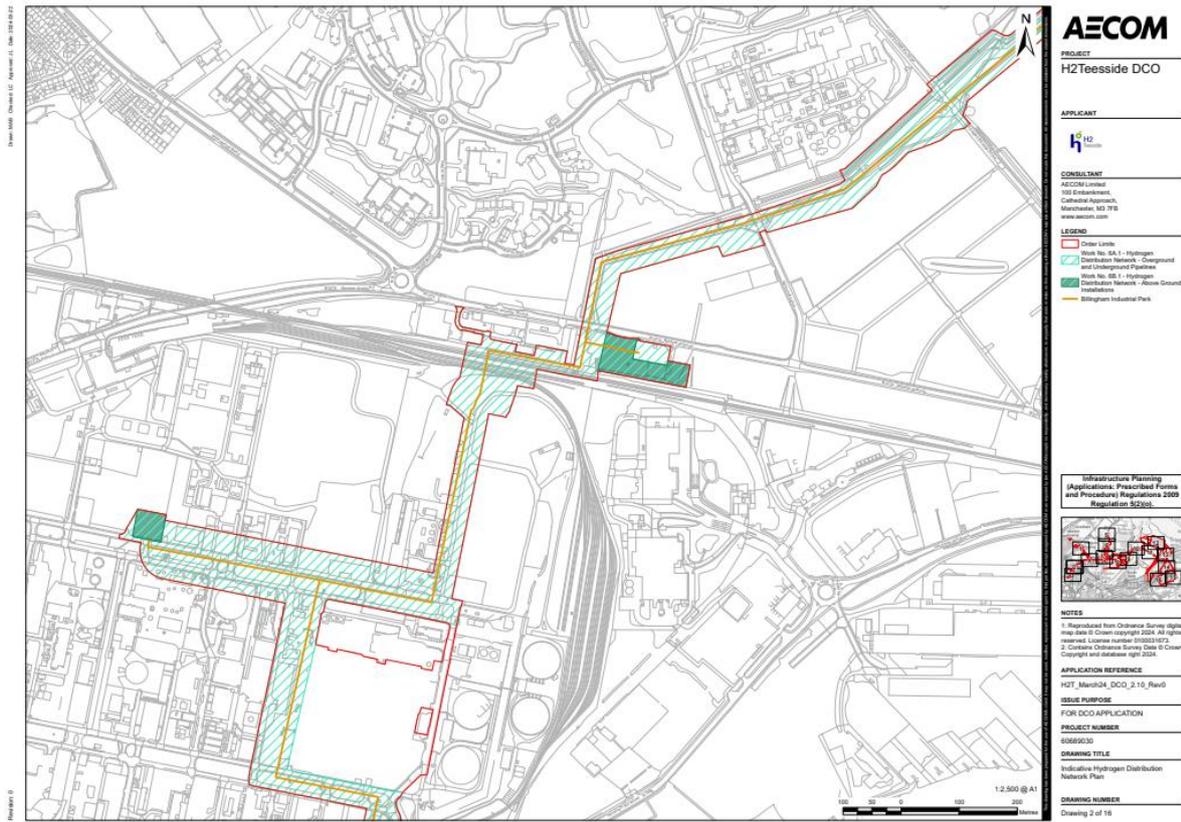
- that the Secretary of State include Protective Provisions for the benefit of Natara in the form submitted by Fieldfisher LLP to the Planning Inspectorate at DL9; and
- that Natara be permitted to make further written representations to the Secretary of State with a view to obtaining protective provisions on the face of the Order (to the extent that those submitted at DL9 are not accepted for whatever reason).

Yours faithfully

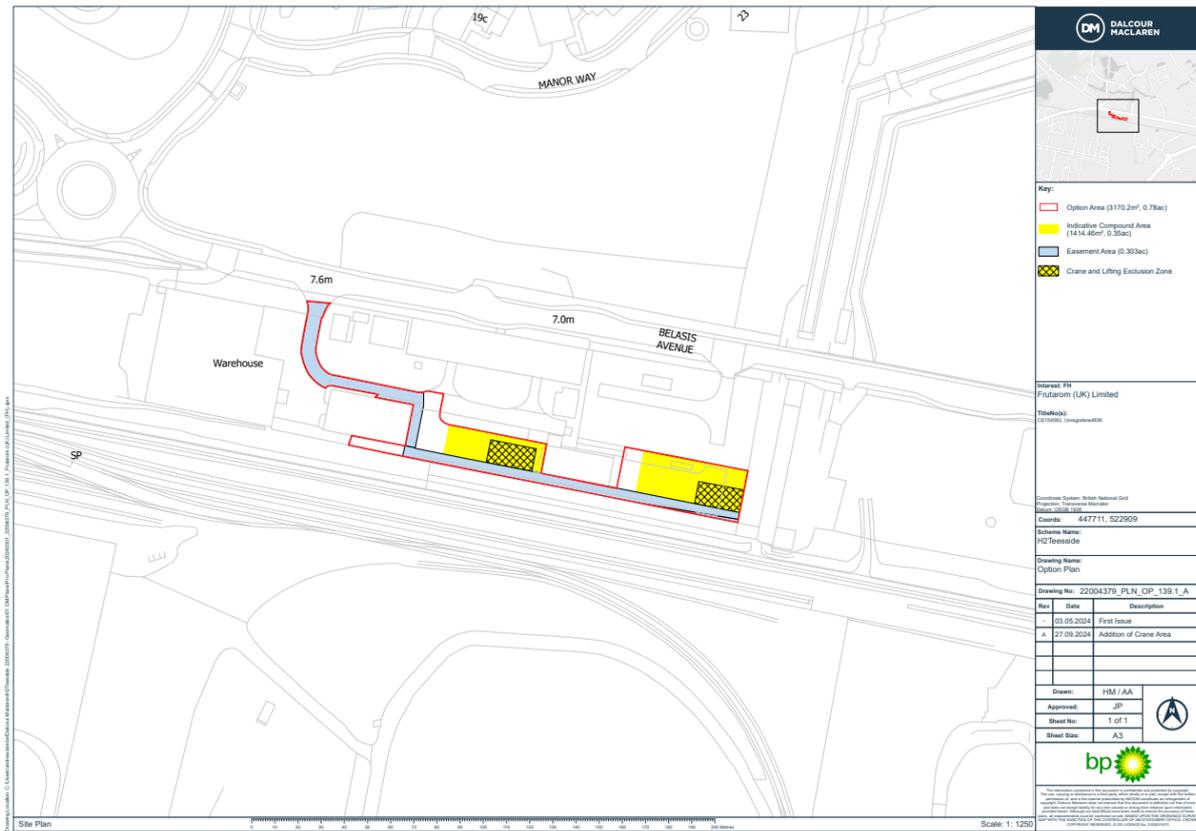
FieldfisherLLP

Fieldfisher

Project Works (Plan 1)



Extent of the Property (Plan 2)



Affected Order Plots (Plan 3)

INTEREST: Land on south side of Belasis Avenue, Billingham, Stockton-on-Tees
 TENURE: Absolute Freehold (Title No. CE154562)
 SCHEME: H2 Teesside DCO (EN070009 accepted 22/04/2024)

