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Date : 09.06.22

Our Ref: 0006-P1A4.5NTLLET008

Planning Act 2008 (as amended) – Section 55

Application by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited for an Order granting Development Consent for the Net Zero Teesside (“NZN”) project

Planning Inspectorate Reference: EN010103

Deadline 2 – Written Representation

I refer to the above application for an Order granting development consent made under section 37(2) of the Planning Act 2008 (PA2008) received by the Planning Inspectorate on 19 July 2021 and accepted for examination on 16 August 2021.

The application seeks development consent to authorise the construction, operation, and maintenance of the NZT Project (specifically a carbon dioxide pipeline) on land at and in the vicinity of the former Redcar Steel Works Site, Redcar and in Stockton-on-Tees, on Teesside.

North Tees Land Limited (“NTLL”), North Tees Limited (“NTL”) and North Tees Rail Limited (“NTRL”) hold various interests within the site boundary in relation to the application by the Promoters for a development consent order (“the DCO”).

NTLL, NTRL and NTL have been in communication with the Applicant for over a year and are yet to agree terms.

NTLL, NTRL and NTL are awaiting a response to several items required as part of the Deadline 1 matters (due Thursday 26th May 2022) set in the dDCO (draft Development Consent Order). For convenience, a few of the matters are repeated below.

1. For administrative and simplicity purposes, NTLL, NTRL and NTL requests that further communication to the Examination Authority (“ExA”) is through NTL on behalf of North Tees Group of Companies (“NTG”).

As per the items in Deadline 2 set in the dDCO (draft Development Consent Order), NTG are responding to the ExA with the following Written Representation.

NTG remains highly concerned about the proposals to compulsorily acquire rights in its land as well as to extinguish existing easements and rights over its land. This is relied upon not only by NTG existing tenants but many other users and petrochemicals and manufacturing

companies across Teesside. This infrastructure is vital to many of the manufacturing, distribution and industrial processes operating across Teesside and future developments at NTG's landholdings. The extent of the site boundary/ easement area is simply too large and in part, inappropriate. Therefore, the sterilisation area is too large, and it is excessive for the NZT Project requirements. Rights are sought over an established multi- user service corridor for which there is an established market. NTG view it as unsafe to grant the rights without controls and a CPO would give rise to an unregulated pipe with no basis for control and protection within a heavily regulated corridor where occupiers into specific covenants and obligations that all users accept. The footprint is excessive and inappropriate. NTG reconfirm their objection to the Net Zero Teesside Project and Development Consent Order Application and the grant of compulsory rights over their property and rights.

Compulsory acquisition of rights by NZT will inevitably disrupt the carefully constructed legal provisions that exist. This effect will be the detrimental impact of NTG and potentially its tenants.

NTG as freehold owner has a responsibility for managing the multi-use aspects of the corridor and this can only be achieved by direct contractual arrangements. This is to ensure that the installation of any apparatus must have regard to pre-existing legal rights for the current users of the corridor. There simply cannot be a compelling case for the compulsory acquisition of rights nor a right to extinguish existing easements in pipeline corridors where this will negatively impact NTG, NTG's tenants or limit its or their future developments. The appropriate means of acquiring the easement rights Net Zero Teesside needs is via commercial agreement with NTG. It is imperative that the Project's rights are granted in common with all other uses. Since the relevant rights can be acquired by commercial negotiation, powers of compulsory acquisition are not needed and cannot be justified. As matters stand, NTG's key requirements are:

- I. The inclusion of suitable Requirements in the draft DCO to give NTG the opportunity to review and approve detailed design of the CO2 pipeline as part of the NZT Project Scheme. NTG should have a role as a consultee in the approval of detailed design of the CO2 pipeline of the Proposed Development through requirements in the DCO.
- II. The removal of powers of compulsory acquisition of rights in land over any NTG's interests.

Kind Regards.

North Tees

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[Redacted contact information]