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8th June 2022

Our Ref: 0006-P1A4.5NTLLET007

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 (“NZZ”) project

Planning Inspectorate Reference: EN010103

Deadline 2 - Various matters

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 NZZ 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”).
2. NTG received confirmation from the ExA that the request for an extension on the Statements of Common Ground (SoCGs) had been approved. The Statement of Common Ground has also been passed to BP.

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

3. In response to the ExA written questions and requests for information (ExQ1) Issued on 19 May 2022.

3.1 CA.1.8

A number of APs in their RRs and ASs [including but not limited to RR-001, RR-010, RR-012, RR-013, RR-014, RR-016, RR-017, RR-018, RR-019, RR-021, RR-022, RR-028, RR-030, RR031, RR-032, RR-033, RR-034, RR-038 and AS-046] set out comments in relation to CA and TP however in numerous instances it is unclear where their operations or rights are located. Please could the APs listed and any others who have commented: i) supply a plan, overlaid with the NZT Order land, showing the location of their operations and plots affected; and ii) where possible, identify the general use of each affected plot.

NTG would request an extension on this matter until Deadline 5 (2nd August 2022). The exercise will commence shortly.

3.2 CA.1.19

RR-016 / RR-022 paragraph 1 refers to the site boundary being more than 40 times larger than the project requires, paragraphs 5 and 10 refer to the multi-use service corridor, and paragraphs 2 and 6 suggest that current landholdings would be blighted. Can you: i) Clarify how the '40 times' figure was calculated;

As per the EN010103-000883-NZT DCO 4.2 Land Plans, the width of plots 124 and 128 is in excess of 90 metres, which in NTG's view is excessive for a 22 inch pipe within a 1 metre easement. The order land is for new rights to be compulsory acquired and in relation to which it is proposed to extinguish easements, servitudes and other private rights.

ii) Indicate the specific plots where you consider the order land is excessive;

All of NTG's respective landholdings and interests. The specific plots will be reviewed as part of 3.1 above.

iii) Provide a summary of your current operations and future development plans and indicate how you consider that they would be blighted by the Proposed Development;

NTG develop, own and manage a portfolio of businesses across the Northeast of England. These include Trading & Investment Businesses in; Infrastructure, Waste Management, Consultancy, Remediation, Reclamation & Recovery, Land & Property Development. NTG created a development platform from the Reclamation Ponds located at North Tees Site to accommodate a 1020 MW CCGT Power Station. The land was designated "The North East Energy Development Park" and awarded Enterprise Zone status from the Secretary of State. NTG owns over 600 acres of industrial development land with various planning consents, provides facilities and asset management services and has good logistics capabilities in the North Tees area (road, sea and rail access). A compulsory purchase of rights across the entire linkline corridor would undoubtedly blight future developments. A compulsory purchase creates the possibility of extinguishing or adversely effecting existing rights and therefore effectively prevents the granting of new rights due to the uncertainty that a CPO over such a large area brings. The linkline corridor is essential for servicing the NTG's existing tenants and development land within NTG's ownership.

and iv) Having regard to the protective provisions set out in Schedule 12 of the dDCO, could you clarify why you consider the rights would give rise to an unregulated pipe with no basis for control and protection?

The excessive rights sought will blight and sterilise the established corridor for many years and adversely affect NTG and other occupiers and tenants. The linkline is an established commercial pipeline corridor governed by pre-existing legal documentation the majority of which dates back to 1998 regulating it's use of operation and procedures for work where commercial terms can be readily agreed, where there is full engagement by the developer. 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. The nature of the corridor requires access to be heavily regulated and controlled through specific health and safety and permitting requirements all of which flow for existing legal structures such as easements dating back to 1998.

3.3 CA.1.24

Do any APs have any concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that they own or have an interest in?

The nature of the rights being sought are too extensive, wide ranging and in part, inappropriate in the circumstances. For example, a right of perpetuity when the installations that the pipeline is going to serve will have a lifetime of say 30 years and therefore seeking a right of perpetuity is inappropriate, especially over emergency access/ egress routes. There should be obligations put on the Applicant to make the most efficient use of the corridor having regard to its current and future use as an essential linkline commercial corridor serving the industrial Tees basin.

NTG hereby 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.

Kind Regards.

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