

**From:** [REDACTED]@dwdllp.com>  
**Sent:** 23 May 2022 19:21  
**To:** Net Zero Teesside Project <NetZeroTeessideProject@planninginspectorate.gov.uk>  
**Cc:** [REDACTED]@dwdllp.com>; [REDACTED]@dwdllp.com>; Evans, Sian <SIAN.EVANS@planninginspectorate.gov.uk>  
**Subject:** EN010103 - NZT - CA Regulations (Section 123)  
**Importance:** High

Dear Ms Evans,

The Applicants sought a number of changes to the DCO Application on 28 April 2022, and these were accepted by the Examining Authority in its procedural decision dated 6 May 2022. Principally the changes reduced the extent of the Order Land, except for Change 10, which added a small area into the Order Land ('the Additional Land').

The Applicants previously indicated that this engaged 'The Infrastructure Planning (Compulsory Acquisition) Regulations 2010' (the 'CA Regulations'), being the 'prescribed procedure' for the purposes of Section 123(4) of the Planning Act 2008. As the Applicants are seeking only powers of temporary possession over the Additional Land, Section 123 is not in fact engaged, since it only applies where the "compulsory acquisition of land" is sought (Section 123(1)). The temporary possession of land is not a form of compulsory acquisition.

Notwithstanding that Section 123 and the CA Regulations do not apply, the Applicants consider that it is helpful to provide equivalent information to that required under Regulation 5 of the CA Regulations in relation to the Additional Land. This will allow the Examining Authority and interested parties to clearly see the extent of the Additional Land and to understand the rationale for seeking powers of temporary possession over it, in the context of the Proposed Development. The following documents are therefore enclosed:

- Supplementary Book of Reference (Document Ref. 3.1a, May 2022)
- Supplementary Statement of Reasons (Document Ref. 3.2a, May 2022)
- Supplementary Funding Statement (Document Ref. 3.3a, May 2022)
- Additional Land Plan (Document Ref. 4.2a, May 2022)

As the CA Regulations are not engaged, it is at the Examining Authority's discretion as to how to examine these documents, in the overall context of the changes to the Application accepted on 6 May 2022. These documents supplement, and do not alter, the position in relation to the changes. The Examining Authority will be aware that the Applicants carried out non-statutory consultation on the (as then) proposed changes and which included notices to landowners (including those with an interest in the Additional Land) and to statutory consultees, and the publication of notices in local and national press (including the same publications as is required by the CA Regulations 'prescribed procedure'). Given that, and as the CA Regulations are not engaged, the Applicants' view is that the Examining Authority can make a procedural decision to accept the additional documents, and that they (and the case for the Additional Land) are then examined alongside the Examination of the Application as now changed. This process includes interested parties being able to make comments within their written representations (Deadline 2) and other submissions, and within statements of common ground (various deadlines), and for the Examining Authority to address matters in written questions, requests for further information or in hearings. If appropriate the Examining Authority can set a specific deadline for interested parties to comment on the documents submitted with this correspondence.

Should the Examining Authority consider that any other steps are required to be taken in relation to the Additional Land, the Applicants will of course comply with any procedural decision it makes.

Yours sincerely

Geoff Bullock

**Geoff Bullock**  
BA (Hons) BPI. MRTPI  
Partner - Planning & Infrastructure  
**Chartered Surveyors & Town Planners**  
6 New Bridge Street  
London  
EC4V 6AB





This e-mail (and any attachments) may be confidential and privileged and exempt from disclosure under law. If you are not the intended recipient, please notify the sender immediately and delete the email. Any unauthorised disclosure, copying or dissemination is strictly prohibited.

DWD is the trading name of Dalton Warner Davis LLP, a Limited Liability Partnership. Registered in England No. OC304838. Registered Office: 6 New Bridge Street, London EC4V 6AB.

*Please note that the contents of this email and any attachments are privileged and/or confidential and intended solely for the use of the intended recipient. If you are not the intended recipient of this email and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this email in error and then delete this email from your system.*

*Recipients should note that e-mail traffic on Planning Inspectorate systems is subject to monitoring, recording and auditing to secure the effective operation of the system and for other lawful purposes. The Planning Inspectorate has taken steps to keep this e-mail and any attachments free from viruses. It accepts no liability for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.*

*The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.*

DPC:76616c646f72

