

SOUTH TEES DEVELOPMENT CORPORATION (STDC)

NET ZERO TEESIDE DEVELOPMENT CONSENT ORDER

RESPONSE TO EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS

ExQ1	Question	STDC Response
GEN.1.11	<p>The PCC Site and proposed laydown area currently contains residual large-scale plant and buildings associated with the former Redcar steelworks. Paragraph 5.2.6 of the ES [APP-087] identifies some above and below ground structures and redundant services associated with the former steelworks and earlier development on the site which are envisaged to be removed before the construction of the Proposed Development can commence. Paragraph 12.6.20 of the ES indicates that demolition and site clearance works would be subject to a separate planning application.</p> <p>Site clearance and remediation forms part of the authorised development set out in Schedule 1 of the dDCO. However, paragraph 4.2.7 of the ES [AS-019] states that existing infrastructure associated with the former Redcar Steelworks is expected to be removed by the landowner as part of the site preparation and remediation prior to the commencement of the Proposed Development.</p> <p>i. Have these works been included in the ES baseline?</p>	<p>i-v STDC has no comments to make on these questions.</p> <p>vi. STDC has agreed, in principle, to carry site clearance and remediation works for the Applicants. A planning application has been submitted to the local planning authority in order to allow STDC to carry out engineering works to remediate and prepare the site. As at 07/06/22 the planning application is at an advanced stage of determination. In August 2021, STDC obtained a Prior Approval from Redcar & Cleveland Borough Council for the demolition of buildings within and beyond the DCO Site. STDC has since commenced demolition of buildings outside of the DCO site. A plan (ref STDC-ATK-NZT-ZZ-DR-S-0001 P01) is attached at Appendix 3 to STDC's Written Representation, and illustrates those buildings to which the Prior Approval for demolition relates.</p>

	<ul style="list-style-type: none"> ii. When would demolition of the plant and structures take place? iii. What is the extent of the clearance and remediation? iv. Under what powers would they be removed? v. Provide an aerial view of structures currently in place / due to be demolished overlaid with the Order Limits and layout plan of the PCC Site. vi. The Applicants and STDC are asked to clarify proposals for, including timing of, site preparation. vii. The Applicants and STDC are asked to comment on progress with regard to the handover of the site following clearance. <p>Parties may wish to respond to this question together with question HE.1.5 in relation to heritage assets.</p>	<p>STDC is unable to carry out site preparation works until a formal agreement has been entered into with the Applicants. STDC and the Applicants are in discussions to enter into an agreement and STDC hopes an agreement can be reached prior to the close of examination.</p> <p>vii. STDC expects handover of the site to form part of an agreement with the Applicants. STDC is engaged with the Applicants on an option agreement for the main site which will contain handover arrangements once concluded. This should negate the use of compulsory acquisition powers by the Applicants.</p>
<p>GEN.1.12</p>	<p>There are references to the site investigation and remediation being undertaken by the landowner in Chapter 10 (for example, in Tables 10-5 and Table 10-15 of the ES) [APP 092]. However, in its Relevant Representation [RR-035], STDC states that there is no agreement between the parties to carry out such works.</p> <ul style="list-style-type: none"> i. Can both parties confirm the status of these discussions? ii. Can both parties confirm who would be responsible for liaising with the regulators and obtaining any necessary permits and licences? iii. Can both parties confirm who would be responsible for the risk assessment and any long term monitoring of the efficacy of any remedial works? 	<p>i. No formal agreement has been entered into between the parties on site investigation and remediation. STDC has applied for planning permission to carry out the works (see response to GEN.1.11). As well as seeking planning permission for site preparation, STDC is also pursuing a Materials Management Plan under the CL:AIRE process (Contaminated Land: Applications in Real Environments), in respect of earth movements associated with the site preparation works.</p> <p>STDC is not obligated to carry out any works for the Applicants until an agreement is put in place.</p>

		<p>ii. and iii. STDC requires an agreement to be entered into prior to the end of the examination period to cover permits, licences, risk assessment and long term monitoring..</p>
<p>GEN.1.41</p>	<p>The Applicants' covering letter [APP-001] notes that the site partly lies within the boundary of the Teesworks area that is controlled by STDC.</p> <p>The Applicants and STDC are asked to provide an overview of the powers of the STDC beyond its land ownership.</p>	<p>STDC is Mayoral Development Corporation, and was set up under Section 198 of the Localism Act in August 2017 to promote the economic growth and commercial development of the Tees Valley by converting assets in the Mayoral Development Corporation Area (Teesworks) into opportunities for business investment and economic growth.</p> <p>Under Section 207 of the Localism Act, STDC exercised its powers of compulsory acquisition, and successfully promoted the South Tees Development Corporation (Land at the former Redcar Steel Works, Redcar) Compulsory Purchase Order 2019 to acquire over 700hectares of land, including much of the land now required by the Applicants.</p> <p>Under powers devolved to it upon creation of the Mayoral Development Corporation, subject to legislation, the Constitution and any other directions made by the Combined Authority, STDC may do anything it considers appropriate for the purposes of its object or for purposes incidental to those purposes (section 201 of the Localism Act 2011).</p> <p>Section 206 of the 2011 Act states that STDC may carry out or facilitate:</p> <ul style="list-style-type: none"> • regeneration or development of land;

		<ul style="list-style-type: none"> • the more effective use of land; • provision of buildings or other land; • the acquisition, holding, improvement, management, reclaiming, repair or disposal of buildings, other land, plant, machinery; • the carrying out of building and other operations (including converting or demolishing buildings); and • the creation of an attractive environment.
BIO.1.20	<p>A brief monitoring report will be prepared in each year and provided to RCBC and the Teesworks Estate Management Company as a record of compliance (paragraph 6.1.4 of the Landscape and Biodiversity Strategy [APP-079]).</p> <p>Are relevant parties content with this approach?</p>	<p>STDC is content with the proposed approach to monitoring of the Landscape and Biodiversity Strategy, post-implementation.</p>
CA.1.23	<p>STDC [RR-035] comments on a range of land and CA issues. Could STDC/ South Tees Development Limited / Teesworks Limited provide a response to the following:</p> <p>i. Paragraph 4.3 indicates that you do not consider that the Applicants have gone far enough in reducing the extent of utility corridors – can you specify which plots this concern relates to and provide further detail of your objection?</p>	<p>i. STDC notes that since submission of its Relevant Representation, the Applicants submitted a change application on 29 April 2022 and this was accepted by the Examining Authority on 6 May 2022. STDC is pleased to note that the extent of utility corridors has been reduced by the Applicants following representations from STDC.</p> <p>STDC retains the following concerns about the land sought by the Applicants for utility corridors:</p>

	<p>ii. Paragraph 4.3 also states that the Applicants has treated the Teesworks area differently to elsewhere within the Order Limits – could you provide further justification for these comments?</p> <p>iii. Paragraph 4.5 relates to a lack of detail and paragraphs 4.19 to 4.23 refer to the Applicants’ programme. Could you provide further information as to how this might hinder STDC’s future development plans and the full benefits of the Freeport designation from being realised?</p> <p>iv. Have the updated land plans [AS-146] and related documents submitted with the change request dated 28 April addressed any of your requirements in section 4.10 of your RR? If any of your stated requirements are outstanding, please explain which and why.</p> <p>v. Paragraphs 4.12-4.15 refer to streets and the parking area and alternatives including a park and ride are suggested. Please provide further detail on why this is a specific concern, provide an update on a park and ride location and any discussions with the Applicants on this matter</p> <p>vi. Paragraph 4.18.1 refers to Plots 274 and 279 – please provide further information regarding the third party dispute and whether this has been resolved.</p> <p>vii. Paragraph 4.18.3 refers to Plots 290 and 291. Please provide further detail as to why you consider these plots should be removed and your suggestion for reasonable alternatives.</p> <p>viii. Paragraphs 4.18.4 to 4.18.7 refer to Plots 540 a/b/c and 393 a/b - please provide an update regarding the working group and modelling which was expected to be completed in January 2022.</p>	<p>Permanent rights:</p> <ul style="list-style-type: none"> - Plot 409 (Sheet 8 of Land Plans [AS-146]) – STDC notes that this plot is significantly wider than the utility corridor immediately to the north, forming part of plot 464 and consider that this plot (and surrounding plots belonging to STDC used for the utility corridor, e.g. plots 395, 397, 401, 405, 418, 439 etc) could be narrower. STDC note the works taking place in plot 464 (Work Nos. 2a, 3a, 5c, 6 & 10) are similar to that in plot 409 (Work Nos. 2a, 3a, 4, 5c, 6 & 10) save for the water connection which forms part of the option agreement between the parties. - Plot 425 (Sheet 8 of Land Plans) – STDC notes that the Applicants’ require this plot for Work nos. 4 and 10 (based on the Guide to Land Plan Plots [AS-143]). It is unclear to STDC why this land is required for a water connection. STDC had understood that the water connections sought by the Applicants were to the East, from plot 472 and 473 south eastwards. STDC would appreciate clarity from the Applicants on why there is a separate water connection at plot 425, and whether it can be reduced in scope in light of the other water connections already sought. - Plot 464 (Sheet 8 of Land Plans) – STDC supports the Applicants use of STDC’s existing utility corridors. However, STDC welcomes clarity and assurances from the Applicants on whether the
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		<p>Applicants are seeking to extinguish STDC and STDC's tenants existing rights in order to create an exclusive easement corridor. Such an approach would be unacceptable to STDC which requires control over its utility corridor for future development. STDC notes that this plot/STDC interest does not appear in Part 3 of the Book of Reference [AS-139] suggesting that existing third party easements remain in situ although as owner STDC technically does not have an easement over its own land and would require an assurance that its existing rights will not be impeded.</p> <ul style="list-style-type: none">- Plots 412, 419, 435, 489 (and related plots) (Sheet 13 of Land Plans) – STDC notes that the Applicants are seeking permanent rights over STDC estate roads for a combination of rights relating to Work no. 3 (electrical connection) and Work No. 10 access and highway improvements. STDC would appreciate clarity from the Applicants on why permanent rights are sought over some plots e.g. 419, when temporary rights could suffice. STDC note from Schedule 7 to the DCO that permanent rights are sought by the Applicants at plot 419 to “remove any works or uses which alter the surface level, ground cover or composition of the land”. Without vertical limits of deviation within the DCO, this extensive right risks sterilising STDC's land. STDC supports (in principle) the Applicants use of existing roads and
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		<p>utility corridors, but would benefit from clarity and assurances from the Applicants that such rights will not impede the existing rights of STDC and its tenants who use those roads. STDC requires controls in the DCO via protective provisions or requirements to cover these matters.</p> <ul style="list-style-type: none"> - Plots 458, 470, 473 and related plots (Sheet 8 of Land Plans) – STDC has not yet agreed to the route of this utility corridor / access route. STDC is seeking to bring forward other development proposals in this area and would require sufficient controls within the DCO (if no agreement is reached) to alter the route of any corridor over this land (“lift and shift”) if its development is to be implemented and requires the same land. In order to provide the Examining Authority with an understanding of STDC’s proposed future developments and their overlap with the Applicants’ proposals, STDC has enclosed at Appendix 1 to STDC’s Written Representation an overlay plan showing the STDC proposed developments against the draft Order limits. - Plot 472 and related plots such as 525 south eastwards towards and including Plot 534 (Sheet 8 of Land Plans) – As above, there is a risk that the Applicants proposals here (a water connection) overlap with and disrupt STDC’s own development proposals in this area. STDC has enclosed a plan at
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		<p>Appendix 1 to STDC's Written Representation identifying the overlap. STDC would require sufficient controls within the DCO (if no agreement is reached) to alter the route of this corridor ("lift and shift") if its pre-existing development is to be implemented and requires the same land.</p> <p>Temporary possession:</p> <ul style="list-style-type: none"> - Plots 297, 304, 306, 307, 308, 310, 311, 312, 326 (Sheet 11 of Land Plans) – STDC do not agree to the current route of the outfall forming Work no. 5A due to sterilisation of development on that land. STDC is currently in detailed discussions for development on this land, representing a significant national economic growth project and the Applicants' proposals risk impacting those discussions. STDC understands that that the Applicants are currently carrying out a survey to consider feasibility of an alternative solution. STDC requires the Applicants to expedite the survey so this matter can be resolved as soon as possible, within the examination period. <p>ii. STDC's comment at paragraph 4.3 of its Relevant Representation [RR-035] was in reference to the narrow utility corridors used elsewhere on the scheme, in comparison to the wide utility corridors sought by the Applicants at Teesworks. This is evident from the land plans, particularly the land plans at submission [APP-018]. STDC is pleased to see that the Applicants have taken on board its</p>
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		<p>comments and reduced the extent of the Order limits, but refers the Examining Authority and Applicants to the specific points raised at i above.</p> <p>iii. STDC has consistently taken issue with the lack of detailed utility corridors within the DCO and is pleased to note that the Applicants have amended their scheme by removing much of the optionality over Teesworks.</p> <p>A lack of detailed programme from the Applicants, and a lack of interface agreement to manage parallel activities (no such agreement has been produced by the Applicants to date) risks impacting STDC's ability to bring forward other proposals on its land.</p> <p>For example, Plot 293 is directly within the Freeport area and is being advanced for a project of national economic importance (see further below, and see Appendix 1 to STDC's Written Representation which overlays the Applicants' proposals against the Freeport) . If this land is sterilised by the Applicants for a laydown area, the benefits of Freeport status in this area will not be realised.</p> <p>The Freeport has estimated it will create more than 18,000 jobs and provide £3.2 billion boost to local communities, and the benefits of the Freeport are time limited. It is not reasonable, or proportionate for the Applicants to take compulsory acquisition powers which hinder those benefits, particularly in light of the Freeport already having been</p>
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		<p>designated, and in light of the reasonable alternatives available.</p> <p>As noted above, STDC is bringing forward various other proposals within the Teesworks area. The overlay plan at Appendix 1 to STDC's Written Representation shows three sites (outlined yellow), termed 'Foundry', 'Long Acres' and 'Steel House', where STDC has obtained outline planning permission for the development of B2 and B8 (business/industrial) and office uses, totalling over 666,000sqm / 7.1million sqft. One project, on the land at the Foundry, directly adjoining the Applicants' site to the north proposes development of manufacturing facilities spanning over 5million sq. ft. on 300acres of the site, employing over 5,000 people. The arrangements are subject to confidentiality agreements.</p> <p>It is likely that construction of STDC's own projects may overlap with construction by the Applicants. These interactions need to be carefully managed (by agreement between the parties and / or requirements in the draft Order) in order to avoid prejudicing STDC's other plans, which although not NSIPs, are of major economic importance.</p> <p>iv. STDC had requested changes to the DCO application in its Relevant Representation [RR-035] at paragraph 4.10. The current status of the matters at 4.10 is below:</p> <ul style="list-style-type: none"> - 4.10.1 remove the gas pipeline option which runs across Teesworks from the DCO;
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		<p>Resolved. STDC note that the gas pipeline option running through Teesworks has been removed.</p> <ul style="list-style-type: none"> - 4.10.2 remove the CO2 gathering pipeline option which runs across Teesworks from the DCO; Resolved. STDC note that the CO2 pipeline option running through Teesworks has been removed. - 4.10.3 reduce the width of the utility corridors such that they correspond to the extent of land that will reasonably be needed; Ongoing – STDC continues to take issue with the width of utility corridors as set out above. - 4.10.4 utilise existing utility corridors within Teesworks instead of sterilising land with new corridors; and Ongoing. STDC understands that the Applicants have agreed to use the existing utility corridors within Teesworks, but no agreement has been reached. The Applicants’ seek exclusive corridors which in their current form are unacceptable to STDC. - 4.10.5 provide greater clarity and certainty as to any temporary use of Teesworks’ land, including for construction activities and storage of material including tunnel arisings. Ongoing STDC does not consider that the updated documents clarify temporary use of Teesworks’ land
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		<p>(while reasonable alternatives exist), nor do the documents resolve STDC's concerns about tunnel arisings.</p> <p>v. This matter is of particular concern to STDC as the Applicants are proposing to use one of the principal access points into Teesworks for construction traffic. Vehicles would then park on an area within the Teesworks 'tax' Freeport, sterilising the land during that period and negating the time limited benefits of the tax zone. In discussion and agreement with the Applicants, STDC has proposed an off-site park and ride (P&R) as a reasonable alternative and have kept the Applicants updated on progress. The preferred location for the P&R is close to the existing Steel House (Redcar) Gatehouse, in the direction of Redcar, to the east and rear of the Steel House building. The P&R scheme has been designed and initial discussions have taken place with the local planning and highway authority prior to the preparation and submission of a planning application. The project involves a new junction onto the A1085 main road, has capacity for c1,500 vehicles and will allow shuttle buses to enter the Teesworks site via the Steel House (Redcar) Gatehouse.</p> <p>vi. Plots 274 and 279 are on Tees Dock Road. An access point on this road belongs to and is maintained by STDC. Temporary use of this access would not be compatible with STDC's development plans for the Teesworks site. In addition, STDC has been resisting attempts by a third party</p>
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		<p>to use the land. The matter is subject to ongoing litigation and has not yet been resolved.</p> <p>STDC now understands that the Applicants have agreed to use the alternative access route and both plots will be removed from the scope of the Order limits. STDC understands that the Applicants have agreed to use the alternative route set out on Appendix 2 to STDC's Written Representation, and requires the DCO Order Limits to be updated to reflect this.</p> <p>vii. Plots 290 and 291 form part of the Teesside Freeport and would be sterilised by the Applicants if temporarily acquired, as the benefits of the Freeport are time limited. STDC recognise the need for construction access from Redcar Bulk Terminal to transfer large components to the PCC site. Should this access be available during the period of construction, STDC is content for it to be used. However, the Freeport site is subject to other development proposals, meaning that it may not be available in the future. STDC require sufficient controls within the DCO to account for such future development proposals.</p> <p>viii. The Applicants and STDC continue to discuss the arrangements around the impact of the Project on STDC's private wire network and are seeking to reach a final agreement prior to July 2022.</p>
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<p>MA.1.15</p>	<p>In ES Chapter 22 [APP-104] the Applicants explain that there is a former gas pipeline crossing the PCC Site which is subject to a COMAH licence and that the operator of this pipeline, South Tees Site Company (part of STDC) has confirmed its intention to decommission the former steelworks infrastructure and make an application to revoke the COMAH licence. Can STDC comment on the status of the COMAH licence and decommissioning activity, and any implications for the Proposed Development?</p>	<p>STDC can confirm that the official application to the CA (Competent Authority HSE COMAH) regulatory inspector has been submitted and acceptance of receipt provided by the CA.</p> <p>This now formally informs them of the change of status due to the decommissioning and demolition of the site, the next step is for STDC to continue to remove the COMAH inventory until it is below a threshold which no longer requires a COMAH licence. The anticipation is that the land will cease being a COMAH facility by August 2023.</p>
<p>CA.1.7</p>	<p>A number of RRs and Additional Submissions (ASs) [including but not limited to RR-001, RR010, RR-012, RR-013, RR-014, RR-016, RR-017, RR-018, RR-019, RR-021, RR-022, RR-028, RR-030, RR-031, RR-032, RR-033, RR-034, RR-038 and AS-046] set out comments in relation to CA and TP.</p> <p>Over and above what has already been submitted in the RR's, are any APs aware of:</p> <ul style="list-style-type: none"> i. any reasonable alternatives to any CA or TP sought by the Applicant; or ii. any areas of land or rights that the Applicant is seeking the powers to acquire that they consider are not needed? 	<ul style="list-style-type: none"> i. Plots 274, 279 (Sheet 8 of Land Plans) (Tees Dock Road Access) – STDC understands that this area is being removed from the Order limits as the Applicants accept that they can use the alternative route offered by STDC (Appendix 1 to STDC's Written Representation) (as discussed above at CA 1.23). STDC is supportive (in principle) of the Applicants use of estate roads e.g. at and around Plot 381, however usage must be subject to appropriate controls permitting STDC to alter the routes where reasonably required for further development. ii.

		<p>Plot 427 (Sheet 13 of Land Plans) – STDC notes that the Applicants are seeking powers over railway on STDC land, at this plot and in nearby plots. While STDC do not oppose the Applicants use of railway land, as landowner STDC must ensure that it and its tenants retain use/access to the railway land, and their rights are not extinguished. STDC is seeking clarity and assurances from the Applicants on whether it is seeking to extinguish STDC's or its tenants' rights over railway land, noting that these plots/STDC interests do not appear in Part 3 of the Book of Reference [AS-139].</p> <p>Plots 377, 378 (Sheet 11 of Land Plans) – STDC do not oppose the Applicants use of this land, however this is subject to the Applicants clarifying the point above, namely whether STDC or its tenants will lose access.</p> <p>Plot 292, 293, 295 (Sheet 6 of Land Plans) (Temporary land for construction / laydown) – STDC is developing a park and ride solution with the Applicants. Irrespective of the park and ride solution, STDC understands from discussions with the Applicants that they do not require part of the land in plot 293, directly below plot 323. STDC expects this land to be removed from the Order limits accordingly.</p> <p>Plots 290, 291 (Sheet 9 of Land Plans) (Construction access from Redcar Bulk Terminal) – STDC understands that the pipe stringing in this area is no longer required and that the Applicants will be reducing the scope of this temporary land accordingly. The draft Order refers to plot 291 being required for Work no. 5A (see Schedule 9 to the draft Order), however</p>
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		<p>the Guide to Land Plan Plots document refers to 9A. STDC would appreciate clarity from the Applicants on what work it is seeking to carry out on its land.</p> <p>Plots 298, 299, 309 (Construction access from Redcar Bulk Terminal) and related plots (Sheet 6 of Land Plans) – While STDC support the reduction in rights in this area, STDC continues to resist use of Freeport land for laydown and consider it disproportionate. STDC require the laydown land to be removed from the scope of the draft Order limits. STDC is supportive (in principle) of the Applicants use of estate roads/accesses, subject to the rights of STDC to alter them (and provide reasonable alternatives) in the future to make way for further development. STDC require sufficient controls within the draft Order via protective provisions or requirements to protect its interests if an agreement cannot be reached.</p> <p>Plot 342 (Sheet 8 of Land Plans) – STDC understands from its discussions on the option agreement with the Applicants that not all of this land is required. STDC expects the Applicants to reduce the extent of the Order limits accordingly, to reflect the private agreement between the parties.</p>
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