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Our Ref: 0006-P1A4.5NTLLET010

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

Various Matter regarding Compulsory Acquisition Hearing 2 13th July 2022

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 and 2 matters set in the dDCO (draft Development Consent Order). For convenience, two 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 have requested an Accompanied Site Visit (ASI) with the ExA for the reasons laid out below:
 - (a) The ASI undertaken 12th May did not include the NTG respective landholdings and interests and the constraints, complexity and nature of the land may not be understood.
 - (b) We see no reason whatsoever why the Planning Inspectorate would grant compulsory rights to the DCO to a right of perpetuity to lay a CO2 pipeline in wholly inappropriate areas (emergency access/ egress) and restrict other

established rights. NTG's view is that the order land for permanent rights to be acquired is simply wholly unnecessary for the Project requirements.

- (c) The land to be accessed is a mixture of industrial/ operational and vacant land with potential hazards and as such it is necessary for health and safety to be complied with. Operational rules necessitate an accompanied visit.
- (d) The presence of NTG is necessary in order to identify and explain the particular features of the site, its use and specific constraints

NTG were unable to make verbal representations at Compulsory Acquisition Hearing 2 on 13th July. NTG are therefore following up to the ExA, with the following Written Representations that would have been made at that Hearing.

3. 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. The existing easements and rights are relied upon not only by NTG, existing tenants, but many other users including 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 continued and future success of the industrial and chemical clusters around the region relies upon this multi-user, commercial corridor, and associated infrastructure.
4. The extent of the site boundary/ easement area is simply too large and in part, inappropriate. Therefore, the sterilisation area is too large, and the extent is excessive for the NZT Project requirements. 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 wholly excessive and inappropriate for a 22-inch pipe within a 1 metre easement. Rights are sought over an established multi- user service corridor for which there is an established market. It seems inappropriate to us to extinguish existing easements, servitudes, and other private rights when it is feasible to accommodate the pipeline as per other users.
5. It is not clear from the Applicant why it is necessary for them to seek powers to acquire compulsorily rights over the entire linkline Corridor in perpetuity. It is not necessary for perpetual rights to be obtained, especially given the time-limited duration of the development which we understand would be in the region of 30 to 60 years.
6. 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. Occupiers have specific covenants and obligations. There are different types of rights granted for different customer needs, and the documentation with each user has been tailored individually i.e. these are not template documents.
7. There has been no engagement from the Applicant in relation to protective measures for the specific routing of the CO₂ pipeline and this has yet to be addressed.
8. If the Applicant seeks to acquire rights over the linkline Corridor and to extinguish or suspend the existing rights, it is incumbent upon them to set out in detail their proposals for the on-going access, structure, management and commerciality of this vitally important infrastructure. To date the Applicant has not addressed this level of detail in their application.

9. Compulsory acquisition of rights by NZT will inevitably disrupt the carefully constructed legal provisions that exist. This effect will have a detrimental impact on NTG and potentially its tenants. A compulsory purchase creates the possibility of extinguishing or adversely affecting 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.
10. NTG as freehold owner has a responsibility to the multi-use aspects of the corridor and this can only be achieved by direct contractual arrangements. (NTG has existing contractual commitments in place, and we have legitimate concerns for being exposed to liabilities as a result of a potential CPO.) 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.
11. NTG is conscious that the granting of compulsory powers will potentially lead to economic harm, loss of employment, and additional operational safety or environmental concerns for the existing and future users in the multi-use, commercial, long established, linkline corridor. It is NTG's view that the compulsory acquisition of rights by NZT will have a detrimental effect to future developments. The businesses served by the linkline Corridor are a highly significant economic asset to the region. Whilst they are not a NSIP, they make an important and relevant contribution to national economic
12. The appropriate means of acquiring the easement rights NZT 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.
13. NTG remains willing to grant the Applicant rights sufficient to meet the needs of the Project, subject to the agreement of suitable heads of terms. As previously highlighted, correspondence by the Applicant has been unhurried.

NTG hope that the ExA can address the above referred to points in order to ensure that NTG's interests are protected.

NTG hereby reconfirm their objection to the NZT Project and Development Consent Order Application and the grant of compulsory rights over their property and rights.

Kind Regards.

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