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Our Ref: 0006-P1A4.5NTLLET012

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 (“NZT”) project

Planning Inspectorate Reference: EN010103

Deadline 6 - 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 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.

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

In response to and as per the ExA written questions and requests for information (ExQ2) Issued on 9th August 2022:

1.1 CA.2.12

Your D5 submission [REP5-035] refers to the delayed response to ExQ1 CA.1.8. Please ensure the required information is submitted no later than D7.

NTG will submit the plans requested by Deadline 7 (1st September 2022).

1.2 DCO 2.11

In their Written Representation North Tees Limited [REP2-070] identified the need for the inclusion of suitable Requirements in the dDCO to give North Tees Group of Companies the opportunity as a consultee to review and approve detailed design of the CO2 pipeline as part of the NZT Project Scheme. North Tees Limited are asked to provide further justification for such a provision and to suggest the specific wording which any such Requirements should take.

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. The situation is based on a complex set of documentation dating back principally to the late 1990s but in addition there are earlier contractual title documents governing the service corridor. Because of the nature of the land split and complex rights there is a significant interlinking between NTG and Sembcorp, for example Sembcorp also have certain responsibilities in respect of aspects of the North Tees Group section of corridor. The established contractual position 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.

NTG require the opportunity to review and approve detailed design of the CO2 pipeline as part of the NZT Project Scheme. NTG have pre-existing contractual obligations it must deliver upon. NTG should therefore have a role as a consultee in the approval of detailed design and routing of the CO2 pipeline of the Proposed Development through requirements in the DCO. It is problematic for NTG to stipulate specific requirements in the DCO as the requirements will flow from the precise routing and methods of construction of the pipeline. At this point in time, the Applicant does not have this detail to hand as it is undergoing Front End Engineering Design ("FEED"). There are legal and practical provisions that govern the rights and use of the linkline corridor. NTG are in a unique position insofar as managing the multi-use aspects of the corridor by direct contractual arrangements. Furthermore, NTG's assets will be required to ensure the safe delivery of the development. As with any development across the site with any other user of the linkline corridor, the delivery framework will be adapted for and is unique to the specific Project Requirements.

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. 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.

1.3 CA 2.13

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?

As outlined and highlighted from the outset, the nature of the rights being sought are too extensive, wide ranging and in part, inappropriate in the circumstances. 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.

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.

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.

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. 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 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.

2 Other Matters

2.1 NTG wrote to the ExA 24th May 2022 and 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

Can the ExA please confirm whether this ASI will proceed.

2.2 NTG would also request that the ExA maintains continuity in redacting email addresses and telephone numbers across all Representations.

Kind Regards.

North Tees

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