

National Infrastructure Planning
Net Zero Teesside DCO Case Team

BY EMAIL AND VIA MAKE A SUBMISSION TAB:
NetZeroTeessideProject@planninginspectorate.gov.uk

Your Ref
Unique Reference: 20029934;
EN010103

Our Ref
RAQ/TGH/203316.0001

Date
1 September 2022

Dear Sir or Madam

Application by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the Applicants) for an Order Granting Development Consent for the Net Zero Teesside Project (the Project)

Deadline 7 Submission - South Tees Development Corporation

South Tees Development Corporation (STDC) makes the following comments on the Applicants' Response to the ExA's Second Written Questions [REP6-121] submitted at Deadline 6.

CA.2.7

In principle, STDC is content with the approach set out in the Applicants response to CA.2.7 (i) and (ii), subject to an agreement being reached between the parties.

STDC disagrees with the Applicants' conclusions at CA.2.7 (iii) for the reasons set out in STDC's response to the ExA's Second Written Questions [REP6-144]. The Applicants state that the route is acceptable in planning terms, but acceptability (or otherwise) in planning terms is a separate consideration to the interference with human rights which applies to temporary possession as well as compulsory acquisition.

Accordingly STDC maintains that reasonable alternatives must be considered in evaluating the case for the temporary possession of plots 274 and 279. It would be a disproportionate interference with private property rights if DCO promoters were able to temporarily possess land without consideration of alternatives. In this case a reasonable and viable alternative exists, proposed by the affected party, which reduces the impact on private property rights. STDC continues to object to any temporary possession of these plots.

Registered Office

One Bartholomew Close
London
EC1A 7BL
DX 339401 London Wall

50/60 Station Road
Cambridge
CB1 2JH
DX 339601 Cambridge 24

The Anchorage
34 Bridge Street
Reading, RG1 2LU
DX 146420 Reading 21

Grosvenor House
Grosvenor Square
Southampton, SO15 2BE
DX 38516 Southampton 3

CA.2.8

STDC maintains that the DCO proposals, if uncontrolled by adequate protective provisions and any associated side agreements, would adversely affect STDC's wider plans. STDC's objectives, as set out in its constitution [see REP2-025] include "to further the economic development and regeneration of the South Tees area". STDC has obtained outline planning permission for developments on its land. This information has already been provided to the ExA, and a plan showing the overlap between the NZT project and STDC's existing proposals is available at Appendix A to STDC's written representation [REP2-097a].

The Applicants' proposals for the RBT construction access, outfall, and water supply route currently conflict with land benefitting from STDC's outline planning permissions. The DCO, in its current form, would permit the Applicants to take exclusive temporary possession of land required for these works and remove buildings and structures (see article 31), which blights that land with respect to other proposals being brought forward by STDC.

While STDC acknowledges that progress is being made on protective provisions and associated side agreements, these remain under negotiation and in their current form they fail to adequately prevent STDC's other development proposals from being sterilised. STDC continues to require the following control over compulsory purchase powers in the DCO:

Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not appropriate or acquire any interest in land or appropriate, acquire, extinguish or override any easement or other interest of Teesworks Limited (including by temporary possession) otherwise than by agreement.

Yours faithfully

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BDB Pitmans LLP

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