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Our Ref: 0006-P1A4.5NTLIK015

IN THE MATTER OF AN APPLICATION FOR A DEVELOPMENT  
CONSENT ORDER UNDER THE PLANNING ACT 2008  
AND IN THE MATTER OF A DRAFT ORDER FOR  
THE NET ZERO TEESIDE PROJECT  
AND IN THE MATTER OF THE NORTH TEES GROUP

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**ISSUE SPECIFIC HEARING 3 INTO COMPULSORY  
ACQUISITION (CAH3)  
SUBMISSIONS AND POSITION STATEMENT ON  
BEHALF OF NORTH TEES GROUP**

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Kind Regards.

North Tees

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1. These are the Submissions and Position Statement on behalf of the North Tees Group (NTG). The three companies concerned, and the respective plot numbers, are:

- (1) North Tees Ltd: plot nos. 81-83, 120-121, 124, 124a, 124b and 124d; temporary possession rights are sought over plot nos.124a and 124b, and New Rights in perpetuity over the remainder;
- (2) North Tees Rail Ltd: plot nos.84-88, over which New Rights in perpetuity are sought;
- (3) North Tees Land Ltd: plot nos.119, 128 and 128a, New Rights in perpetuity are sought over the first two plots and temporary possession over the last one.

2. NTG have advanced several objections to the use of powers of the compulsory acquisition of New Rights and of Temporary Possession in their responses to Deadlines and otherwise: see Deadline 2 response dated 6, 8 and

9 June 2022, letter dated 15 July 2022 concerned CAH2, Deadline 7 response 27 and 31 August 2022. It has very recently been drawn to the attention of NTG that the response dated 08/06/2022 (under Ref "0006-P1A4.5NTLLET007") was received but when PINS forwarded the email on internally, they did not forward the attachment therefore the Document and Representation has only on 17 October 2022 been added to the Examination Library and has not previously been seen by anyone. As that document set out a number of serious concerns of NTG about the use of CA, NTG submits that it must be fully considered, and NTG should not be prejudiced by an administrative error of PINS.

3. The corridor for New Rights that concerns, inter alia, plot nos. 81-88, 119-121, 124, 124d and 128 is of a varying width of about 70 metres comprising a zone allocated for existing and proposed pipes and services (circa 30m in width) ("the Pipe Zone") as identified on the plans submitted by NTG in Deadline 7 (ref 0006-PIA.5NTLL ET013) and an essential vehicular access/service route along the southern side of the Pipe Zone ("the Access Road") contained within plot nos. 120, 121, 124, 124d, 128, 81, 82, 83, 85 and 87. The Pipe Zone contains a number of existing pipes laid and installed under easements exercisable over land owned and/or leased by NTG. It is believed that Works No.6 will involve the installation of a pipe of about 550mm diameter (which the Applicant has accepted can be positioned in a 1000mm wide easement strip within the Pipe Zone, which will not require any New Rights in perpetuity over the whole width of that corridor as provided for in article 25 of, and schedule 7 to, the dDCO. NTG submits that there has been no engineering or technical justification supporting the case for the width of New Rights sought (about 70m) and certainly none to support that width for New Rights in perpetuity.

4. The Land Plans dated 30 August 2022 are substantially different from the preceding set as to plans 3 and 4. Some land required from NTG that hitherto had been tinted blue, and subject to rights only, is now tinted yellow, and required for temporary possession, namely plot nos. 124a,124b and 128a. NTG. The exercise of temporary possession will involve excluding NTG from possession for the relevant temporary possession periods which NTG finds not acceptable. NTG is now facing a very different compulsory acquisition case against it than before 30 August 2022, and any representations previous to that date must be reconsidered in the light of that change. A compelling case must be made for the use of powers of compulsory acquisition s.122(3) of the Planning Act 2008), and that case has not been made by the Applicant for the New Rights that are being sought in dDCO.

5. NTG has been engaged in negotiations for an agreement for the grant of an option for rights in favour of the Applicant. As the Applicant appears to have unreasonably delayed the negotiations, NTG now summaries the objections to compulsory acquisition it has so far sustained.

6. First, the New Rights sought should not be in perpetuity as it is quite clear in negotiations that the Applicant only wants a 60-year term at the maximum.

7. Second, the areas over which both the New Rights and Temporary Possession powers are sought are larger than necessary. A distinction should be made in the definition of the right sought between those relating to the laying and position of the pipe and those concerned with access for construction and maintenance. A New Rights width of about 70 metres affecting plots nos.81-88, 119-121, 124, 124d and 128 is unnecessary for the proposed pipe of about 550mm in diameter. The Pipe Zone is circa 30m wide and can accommodate the relevant part of Works No.6. New Rights in perpetuity should not include

the Access Road as without the Access Road essential maintenance, fire safety and safety works cannot be carried out to the pipes within the Pipe Zone. No part of the Access Road that falls within plots required for Temporary Rights shall be taken for that purpose. Access is required at all times over the Access Road for emergencies, maintenance, fire safety and safety purposes, and the under should not have possession as envisaged by Articles 31 and 32.

8. Third, the New Rights sought over plot nos.81 – 88, 120, 121, 124, 124d, and 128 should only be exercised in a way that preserves the use and operation of the rail line within plots 81-88 and access strips in 120, 121, 124, 124d and 128.

9. Fourth, the Temporary Possession rights sought are far larger than necessary in relation to plot nos. 124a, and 128a. In addition:

- a) Plot nos.124a and 128a contains an active fire water tank, fire water pumps and ancillary equipment for the whole of the North Tees Chemical Works (circa 350 acres), and for obvious safety reasons Temporary Possession cannot be taken of these plots as access to the fire safety equipment is required at all times. Plots 124a and 128a (combined) are circa 1700 square metres and NTG submits that it cannot foresee a scenario where rights are needed over this area; the area will be sterilised by the taking of Temporary Possession. A distinction should be made in the definition of the right sought between those relating to the laying and position of the pipe and those concerned with access for construction and maintenance.
- b) Plot 124b is an area of land south of the Access Road, the rights over this area should not be exercisable over existing access points at any

time. NTG's concerns not wholly addressed in the Statement of Common Ground

- c) The time period for the exercise of Temporary Possession of land for construction should be specified in Article 31 as the Applicant has advised NTG that a construction period of 4 months is adequate. Other users need access to the land on a regular basis. Plot 124b might be available for temporary purposes.

10. Fifth, if the Applicant intends to lay the pipe under Works No.6 just within the northern and southern boundary of the New Rights affecting plots nos.81-88, 119-121, 124, 124d and 128, there are the following objections. This position will obstruct the necessary service access along the Access Road required to service the existing pipelines corridor. Further, a more suitable position for the proposed pipe would be along the empty centre space within the Pipe Zone. On that basis, New Rights sought over the above plots are too extensive.

11. Sixth, the use of powers of compulsory acquisition is totally unnecessary as NTG and the Applicant were at an advanced state of negotiations for the grant to the Applicants of rights to place a pipe within the Pipe Zone and it is only the unreasonable delay by the Applicant that has prevented the conclusion of those negotiations.

12. Seventh, NTG own in excess of 600 acres of land in the vicinity capable of development. The current delineation of the New Rights zone will have the practical effect of sterilizing the entire service corridor for investment as developers and investors will have no protection or certainty in relation to the implementation of the DCO. This could render the NTG land holding incapable of development for a period of 5 years and will adversely impact the entire Teesside area as the pipeline corridor is a critical service route and the NTG

land has been identified as integral to the future development of Teesside. A mechanism for ensuring this does not occur is essential and could easily be achieved by the Applicant reducing the width of the New Rights zone and leaving an unaffected zone for other users to install media.

13. The Applicant's response to NTG's letter of 26 August 2022 at line 10 of the Applicant's Excel sheet dealing with NTG's deadline responses states that the Applicant would also clarify that the DCO Boundary indicated on these drawings has subsequently been reduced by the Applicants at Deadline 6 is only very negligible and does not address the matters set in these submissions. Further, the Applicant's response that the FEED contractor is developing a proposed pipeline route within the constraints created by the existing assets, structural apparatus, and access acknowledges the physical constraints, but this should be reflected in the dDCO by reducing the area of the New Rights. None of the other responses of the Applicant to NTG's adequately address their concerns.

14. NTG submits that the Examining Authority should recommend that dDCO be amended to reflect the above matters.

**Falcon Chambers**  
**Falcon Court**  
**London EC4Y 1AA**

**BARRY DENYER-GREEN**

**15 October 2022**

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**SUBMISSIONS AND  
POSITION  
STATEMENT OF NTG**

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