

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010

H2Teesside proposed provision for the compulsory acquisition of additional land

Regulation 6(1)			
Within 28 days (starting the day after receipt) the Secretary of State must decide whether or not to accept the proposed provision as part of the application.	Date received	28-day due date	Date of decision
	17-10-2024	14-11-2024	21-10-2024
Regulation 6(2)	Planning Inspectorate Comments		
Regulation 4 - Prescribed procedure for compulsory acquisition of land			
Regulations 5 to 19 prescribe the procedure for the purposes of the condition in subsection (4) of section 123 (land to which authorisation of compulsory acquisition can relate) and apply where—			
(a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land;	<p>In its letter dated 15 October 2024, the Applicant submitted a formal Change Request seeking a total of 14 changes (Changes: 1; 2.A; 2.B; 2.C; 2.D; 2.E; 2.F; 3; 4; 5; 6; 7; 8; and 9). The changes sought include the compulsory acquisition of additional land, as well as seeking to change the nature of the compulsory acquisition sought on a number of different plot numbers (ie change from new rights to temporary use or change of permanent acquisition to temporary use (This list is not exhaustive)).</p> <p>As such the Change Request seeks to include in an Order granting development consent a provision authorising the compulsory acquisition of additional land, as well as seeks to change the nature of the compulsory acquisition sought on a number of other Plot Nos. The Plot Nos. affected are listed below:</p> <p>Land beyond the current Order limits (New Plots) consists of Plot Nos. 9/48, 9/49, 9/50, 10/48, 11/137, 12/6, 15/244 and 15/245.</p>		

	<p>Land where the nature of the compulsory acquisition sought changes consists of Plot Nos. 9/2, 9/3, 9/4, 9/5, 11/1, 11/2, 11/3, 11/22c, 11/25a, 11/28, 11/29, 11/31, 11/45a, 11/53, 11/60, 11/62a, 11/65, 11/66, 11/70, 11/101, 11/123, 11/124, 11/132, 11/133, 11/138, 12/2, 12/3, 12/4, 15/82, 15/84, 15/86, 15/87, 15/88 and 15/106).</p> <p>The Applicant’s document entitled ‘Change Application Report’ indicates the Proposed Changes result from the Applicant’s continued detailed design development and refinement, whilst also engaging with Interested Parties with a view to addressing their comments and agreeing common ground. The Applicant has also acknowledged proposed Change 8, related to ‘Order Limit Increases’, invokes the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations), as highlighted in the Examining Authority’s response to the Change Notification dated 21 August 2024 [PD-006] and has set out how it envisions Regulations 5 to 19 of the CA Regulations being complied with, including consultation under those Regulations.</p> <p>New ownership interests have been identified (SMP Operations Limited and Storelectric Limited), whilst changes which increase the order limits and land where the nature of the compulsory acquisition sought changes (as detailed in the list above) have the potential increase in interference with landowners’ rights in regard to those Plot Nos listed above.</p>
<p>(b) a person with an interest in the additional land does not consent to the inclusion of the provision</p>	<p>In relation to the additional plots sought, the Applicant’s document entitled ‘Change Application Report’ indicates the Proposed Changes result from the Applicant’s continued detailed design development and refinement, whilst also engaging with Interested Parties with a view to addressing their comments and agreeing common ground.” However, no confirmation from those persons with an interest in the additional land (including those affected persons where there is a potential increase in interference with landowners’ rights), that they consent to</p>

	<p>the inclusion of the provision, has been provided in the Applicant's 'Change Application Cover Letter' or any of the documentation accompanying the request. Furthermore, there is no indication whether the landowner of additional land Plot Nos (9/48, 9/49, 9/50, 10/48, 11/137, 12/6, 15/244 and 15/245) agree to the inclusion of that additional land or not. Whilst the Applicant may be attempting to secure the rights required via voluntary agreement, it has not confirmed this will be possible.</p>
Summary – Regulation 4	Regulations 5 to 9 of the CA Regulations apply to the Proposed Provision.
Regulation 5 - Proposed Provision	
The applicant must send to the Secretary of State details of the proposed provision which must—	
<p>(a) be in the form of a book of reference or, where a book of reference has been submitted to the Secretary of State, a supplement to that book;</p>	<p>The Applicant's submission is made pursuant to Section 123(4) of the Planning Act 2008 and Regulation 5 of the CA Regulations. The submission included:</p> <ul style="list-style-type: none"> • A Book of Reference.
<p>(b) be accompanied by—</p> <p>(i) land plan identifying the land required as additional land, or affected by the proposed provision; and</p> <p>(ii) a statement of reasons as to why the additional land is required and a statement to indicate how an order that contains the authorisation of the compulsory acquisition of the additional land is proposed to be funded.</p>	<p>The Applicant's submission is made pursuant to Section 123(4) of the Planning Act 2008 and Regulation 5 of the CA Regulations 2010. Documents accompanying that submission included:</p> <ul style="list-style-type: none"> • Land Plans showing the proposed changes to the Order limits, as well as Supplementary Land Plans; • The Applicant's document entitled 'Change Application Report' refers to detailed description of each change and the justification related to each Change Request. Additionally, the Applicant has submitted a Supplementary Statement of Reasons with the Change Request which addresses why rights over the Additional

	<p>Land are required to be acquired in connection with the Proposed Development; and</p> <ul style="list-style-type: none"> The Applicant’s Supplementary Funding Statement also indicates how the Proposed Development is to be funded.
<p>Summary – Regulation 5</p>	<p>The Book of Reference is as permitted by Regulation 5. Land Plans, including the Supplementary Land Plans have been provided to identify the additional land, together with the Applicant’s Supplementary Funding Statement), explains how the compulsory acquisition of the additional land would be funded. The information provided is considered to satisfy the requirements of Regulation 5.</p>

Case Manager

Lily Robbins

Lily Robbins

Signed

Date: 21 October 2024

Lead member of the Examining Authority

Christopher Butler

Christopher Butler

Signed

Date: 21 October 2024
