

PLANNING ACT 2008

**THE INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED FORMS AND
PROCEDURE) REGULATIONS 2009**

H2Teesside

EN070009

Unique Reference: 20049374

Oral Submissions of PD Teesport Limited made at CAH1

1. **Introduction**

1.1 This written summary of oral submissions is submitted in accordance with Deadline 4 of the examination timetable for the development consent application made by H2 Teesside Limited (the "Applicant") for the H2Teesside project (the "Project").

1.2 This summary of oral submissions relates to submissions made at Compulsory Acquisition Hearing 1 ("CAH1") on 13 November 2024 on behalf of PD Teesport Limited ("PDT").

2. **PDT**

2.1 PDT is the statutory harbour authority for Teesport under the Teesport Acts and Orders 1966 to 2008, the local legislation relating to the Port. PDT is responsible for safe use and maintenance of the river.

2.2 PDT's status as a harbour authority means that it is a Statutory Undertaker for the purposes of section 127 of the Planning Act 2008. A plan was submitted with response to WQ1 (REP2-094) showing PDT's authority area.

2.3 A relevant representation (ref. RR-014) was submitted on behalf of PDT.

2.4 PDT supports the Applicant's project in principle but is concerned to ensure that the construction and operation of the proposed works do not adversely affect its harbour undertaking or other harbour users/surrounding occupiers and businesses.

3. **River crossing and the Northern Gateway Container Terminal**

3.1 Riverside ro-ro and the proposed Northern Gateway Container Terminal ("NGCT") (Land Plans Sheet 12) are/will be located on the eastern bank of the River Tees.

3.2 The Ro-ro was built in 1999/2000 to accommodate stern ramp roll on roll off vessels. The facility is a key component of the PDT Unitised business and will become increasingly important following a planned enhancement to the facility.

3.3 NGCT is a fully consented deep sea terminal which will ultimately consist of over a kilometre of quay, channel deepening and associated landside infrastructure (see the attached planning permission ref. R/2006/0433/OO¹ and associated plan). The quay construction will require piles to be driven to significant depth which could impact on any subsurface pipeline infrastructure.

3.4 Consequently, the acquisition of rights in this area (and potential interference with existing rights) to enable construction of new pipe infrastructure is likely to be very disruptive and potentially significantly determinantal to the operation of the Port and its future expansion.

3.5 If the relevant land is not removed then PDT considers that material determinant may be caused to its undertaking, within the meaning set out in section 127 of the 2008 Act.

4. **Extinguishment and overriding powers**

4.1 Article 23 of the draft Development Consent Order includes powers to override easements and other rights. It is unclear at this stage how this power will be utilised by the Applicant or the circumstances in which it is expected that those affected by compulsory acquisition may have their rights extinguished or overridden.

¹ Which has been legally implemented but not completed.

4.2 In particular, this is a concern to PDT in the following areas:

4.3 Access to Redcar Bulk Terminal (Land Plans sheet 13)

4.3.1 The land known as Redcar Bulk Terminal ("RBT") (Land Plans sheet 13) is included within the order limits. PDT has rights of access along the accessway that leads to the RBT to access its freehold site. Whilst the site is subject to a lease, PDT has retained the rights to use RBT where there is capacity.

4.3.2 Access to RBT is required to be maintained at all times for the purposes of PDT exercising its rights to use the berth.

4.4 Access to the port via Tees Dock Road (Land Plans sheet 16)

4.4.1 Tees Dock Road is very busy at peak periods and is critical for PDT's operations. Any use or works to this road will need to be carefully considered and any impacts on PDT's operations avoided/mitigated.

4.5 Seal Sands Access Roads (Land Plans Sheets 9,10 and 11)

4.5.1 PDT holds the freehold ownership in a number of access roads in the Seal Sands area which it is critical are kept open and unobstructed to ensure continued access for businesses on Seal Sands, as well as for the port authority to access the river.

4.6 Emergency Access Road (Land Plans Sheet 7)

4.6.1 An emergency access road for the petrochemical industrial cluster at Seal Sands.

4.6.2 PDT own the freehold over areas along the emergency access road included in the order limits.

4.6.3 This emergency access (which forms part of the wider Seal Sands emergency plan) is required to remain unobstructed at all times.

4.7 Pipeline corridors

4.7.1 PDT owns parts of the pipeline corridor in which the Applicant wishes to compulsorily acquire rights to lay pipelines. Many other businesses in the area utilise pipelines, pursuant to rights and easements, within the corridors. PDT works in collaboration with Sembcorp to agree suitable private treaty agreements which allow for the continued safe management of the infrastructure within the corridor. Article 23 of the draft Development Consent Order would allow the Applicant to interfere with or even remove critical infrastructure and on the face of the order, there are no control mechanisms to prevent this.

Eversheds Sutherland

20 November 2024



TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF OUTLINE PLANNING PERMISSION

Reference No: R/2006/0433/OO

Agent Name And Address

Applicant Name And Address

NATHANIEL LICHFIELD AND PARTNERS
GENERATOR STUDIOS
TRAFALGAR STREET
NEWCASTLE UPON TYNE
NE1 2LA

P D TEESPORT
17-27 QUEEN'S SQUARE
MIDDLESBROUGH
TS2 1AH

The Council as the Local Planning Authority **HEREBY GRANT OUTLINE PLANNING PERMISSION** for the development proposed by you in your application valid on 26/04/2006

DETAILS: OUTLINE APPLICATION FOR DEVELOPMENT OF A CONTAINER TERMINAL

LOCATION: LAND AT TEESPORT GRANGETOWN

Subject to the following conditions:

(1) No part of the development hereby permitted shall be commenced until details of siting, design, external appearance, means of access and landscaping (hereinafter called the reserved matters) in respect of that part of the development have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be carried out otherwise than in complete accordance with the details so approved. Application for the approval of the reserved matters for the first phase of development (as shown on drawing 9R0155/PA/1000 Revision 4) shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and application for the approval of the reserved matters for the second phase of development (as shown on drawing 9R0155/PA/1000 Revision 4) shall be made to the Local Planning Authority before the expiration of fifteen years from the date of this permission.

REASON: By virtue of the provision of section 92 of the Town and Country Planning Act 1990 (as amended).

(2) The development hereby permitted must be begun either before the expiration of five years from the date of this permission, or before the expiration of three years from the date of the approval of the last of the reserved matters for the first phase of the development (as shown on drawing 9R0155/PA/1000 Revision 4), whichever is the later.

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REASON: By virtue of the provision of section 92 of the Town and Country Planning Act 1990 (as amended).

(3) The development hereby permitted shall not be carried out other than substantially in accordance with Parameter Plans No, 9R0155/PA/1001 Revision 3 and 9R0155/PA/1002 Revision 4 contained in the planning application.

REASON: The development of the site is the subject of an Environmental Impact Assessment and any alteration to the layout, land use or design which is not substantially in accordance with the approved parameter plans may have an impact which has not been assessed by that process.

(4) Prior to the commencement of development of each part of the development for which reserved matters have been approved, details and samples of all materials to be used in the construction of the external surfaces of the buildings and any external plant and equipment in that part of the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented using the approved materials.

REASON: In the interests of visual amenity to ensure a satisfactory standard of development is achieved.

(5) No part of the development approved by this permission shall be commenced until:

a) a desk top study has been carried out for that part which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model of the geology and hydrogeology) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for that part of the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model of the geology and hydrogeology). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may be affected, and**
- refinement of the Conceptual Model; and**
- the development of a Method Statement detailing the remediation requirements**

c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

REASON: To protect Controlled Waters and ensure that the remediated site is reclaimed to an appropriate standard.

(6) If during development, significant contamination not previously identified, is found to be present at any part of the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out at that part until the applicant has submitted, and obtained written approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.

(7) Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.

(8) Each part of the development shall be carried out in accordance with the approved Method Statement.

REASON: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

(9) No part of the development approved by this permission shall be commenced unless the method for piling foundations for that part has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

REASON: The site is contaminated/potentially contaminated and piling could lead to the contamination of ground water in the underlying aquifer.

(10) Prior to the commencement of development of each part of the development for which reserved matters have been approved, drawings showing both foul and surface water drainage (including the provision of oil interceptors and sustainable forms of drainage as far as is practicable) connected with the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be undertaken in complete accordance with the approved scheme. The works approved shall be completed prior to the occupation of the first building in that part of the development. The scheme shall be retained throughout the life of that part of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: To prevent pollution of the water environment.

(11) Prior to the commencement of development an oil spill contingency plan shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the oil spill contingency plan or any replacement of the same approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details.

REASON: To prevent pollution of the water environment.

(12) Prior to the commencement of development a programme for the reclamation and construction works, which avoids disturbance to breeding birds, shall be submitted to and approved in writing by the Local Planning Authority. Construction work shall thereafter be carried out in accordance with the approved programme.

REASON: To prevent unacceptable disturbance to breeding birds.

(13) Prior to the installation of any external lighting on any part of the new terminal, including temporary lighting, details of a scheme of external lighting to be used within that part shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, type, angle of direction and wattage of each light which shall be so positioned to prevent any glare or light spillage especially towards the estuary. Thereafter the lighting shall be implemented in accordance with the approved scheme.

REASON: In the interests of visual amenity and to avoid nuisance or harm to fisheries resources as a result of light spillage.

(14) Prior to the commencement of development of each part of the site a written scheme of archaeological investigation for that part shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved scheme of investigation unless otherwise agreed in writing by the Local Planning Authority.

REASON: To enable the identification and recording of archaeological and paleoecological remains.

(15) Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This should ensure compliance with the principles of Best Practicable Means as outlined in BS5228 Part 1 1997 and the Control of Pollution Act and include measures to minimise dust generation and noise from the site. Thereafter all work shall be carried out in strict accordance with the approved construction method statement.

REASON: To prevent nuisance from noise and dust and in the interests of the visual amenity of the area.

(16) A Business Travel Plan shall be agreed with the Local Planning Authority and the detailed provisions of the Travel Plan shall be implemented immediately following the commencement of development of the first building of the development hereby approved.

REASON: In the interest of achieving a sustainable form of development.

(17) Prior to the commencement of development a detailed phasing timetable for the whole site shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of achieving an acceptable form of development.

(18) Prior to the commencement of development, details of emergency access arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the terminal coming into use.

REASON: In the interests of achieving an acceptable form of development.

(19) No building on any part of the development hereby permitted shall exceed 14 metres in height.

REASON: The development of the site is the subject of an Environmental Impact Assessment and the development of buildings in excess of this height may have an impact which has not been assessed by that process.

(20) Container stacking shall only take place within the areas indicated on parameter plans 9R0155/PA/1001 Revision 3 and 9R0155/PA/1002 Revision 4.

REASON: The development of the site is the subject of an Environmental Impact Assessment and the storage of containers in other areas may have an impact which has not been assessed by that process.

(21) Container stacks shall be restricted to the maximum heights set out on parameter plans 9R0155/PA/1001 Revision 3 and 9R0155/PA/1002 Revision 4.

REASON: The development of the site is the subject of an Environmental Impact Assessment and the stacking of containers above the agreed heights may have an impact which has not been assessed by that process.

(22) Within the quay and crane back reach area (as identified on parameter plans 9R0155/PA/1001 Revision 3 and 9R0155/PA/1002 Revision 4) the maximum crane height with the jib in the vertical position shall not exceed 100 metres. Elsewhere on the site maximum crane height shall not exceed 25 metres.

REASON: The development of the site is the subject of an Environmental Impact Assessment and the use of cranes in excess of the agreed heights may have an impact which has not been assessed by that process.

(23) The maximum paved area of the container terminal as identified on parameter plans 9R0155/PA/1001 Revision 3 and 9R0155/PA/1002 Revision 4 shall not exceed 31 hectares.

REASON: The development of the site is the subject of an Environmental Impact Assessment and an increase in the area of the container terminal may have an impact which has not been assessed by that process.

(24) The Northern Gateway Container Terminal: Dredging Protocol (PD Teesport, February 2007, Final Report 9S2047) submitted as Appendix 2 of the Northern Gateway Container Terminal, Supplement to the Environmental Statement, February 2007 will be implemented in full during the period of capital dredging operations.

This will entail the submission of a dredging programme to the relevant statutory bodies prior to the start of these operations.

REASON: To minimise the impacts on water quality, inter-tidal and sub-tidal habitat and SPA waterbird interests, and in the interests of safeguarding the broader estuaries and marine environment.

(25) A programme of monitoring of dissolved oxygen and suspended solid concentrations during capital dredging activities will be agreed with the Local Planning Authority prior to development commencing and thereafter implemented in accordance with the agreed scheme.

REASON: To verify the findings of the Environmental Statement and supplementary documents with respect to water quality and sub-tidal habitats, and in the interests of safeguarding the broader estuaries and marine environment.

(26) The Seal Sands monitoring protocol (PD Teesport, February 2007) submitted as Appendix 3 of Northern Gateway Container Terminal, Supplement to the Environmental Statement, February 2007 will be implemented in full. This will entail sampling of bed sediment types, erosion/deposition measurements and silt flux recording at the recommended frequencies before, during and for a period of five years following NGCT construction. An initial report will be presented to the relevant statutory bodies after collection of data on completion of construction; annual updates will then follow and a final report issued once five years post-construction data have been gathered.

REASON: To verify the finds of the ES with respect to the hydrodynamic and sedimentological effects of NGCT on the SPA/SSSI inter-tidal habitats of Seal Sands.

(27) A programme of monitoring waterbird usage/behaviour and noise levels will be designed, instituted and implemented on the Vopak foreshore during the period of percussive piling operations on the new NGCT quay frontage.

REASON: To verify the findings of the ES with respect to noise levels and consequent waterbird disturbance derived from piling operations.

(28) Phase 2 of the terminal development shall not operate until the new rail terminal has been completed and is available for use and the Shell Sidings Rail Spur has been reconnected and completed to satisfaction of the Local Planning Authority.

REASON: In the interests of achieving a satisfactory form of development.

(29) Prior to development commencing, a mammal and amphibian survey shall be carried out and the survey and any necessary mitigation measures shall be submitted to and agreed with the Local Planning Authority.

REASON: To protect any mammals or amphibians which may be present on the site.

(30) No development approved by this planning permission shall be commenced until a scheme for water column monitoring (water quality) and suspended

sediment monitoring during dredging/construction has been submitted to and approved in writing by the Local Planning Authority. Once approved, the scheme shall be complied with.

REASON: To prevent the pollution of the water environment.

(31) No development approved by this planning permission shall be commenced until a scheme for post implementation water column monitoring has been submitted to and approved in writing by the Local Planning Authority. Once approved, the scheme shall be complied with unless otherwise agreed in writing with the Local Planning Authority.

REASON: To monitor the impact on the Tees estuary ecology and water quality.

(32) No development approved by this planning permission shall be commenced before a report identifying the likely impact of the proposed scheme on the migratory fishery and detailing the mitigation measures necessary to offset any detrimental impact, including a timetable for these measures has been submitted to and approved in writing by the Local Planning Authority. The agreed mitigation measures shall be implemented in accordance with the timetable.

REASON: To ensure the resilience of the migratory fishery is maintained.

(33) The development hereby granted consent shall not be brought into use unless and until the highway improvement works as shown in principle on the Steer Davis Gleave (SDG) drawing numbers 206219 001 REV C; 206219 002 REV E; 206219 003 REV D and 206219 Work_ B have been completed to the written satisfaction of the Local Planning Authority and Highways Agency.

REASON: To ensure that the A19, A174, A1053 and A66 trunk roads might continue to fulfil their purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, maintaining the safe free flow of traffic on the road.

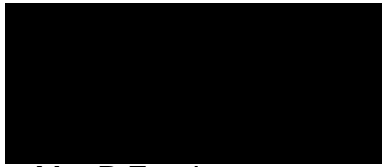
NOTE: The following development plan policies were relevant to this decision:-

Local Development Framework Policy CS4, CS10, CS20, DP2 and DP3 and Policies T16 & EL7 of the Regional Planning Guidance 1 and Policies 22, 7 & 49 of the emerging Regional Spatial Strategy.

REASON FOR DECISION: The proposed development of the container terminal at Teesport accords with regional, sub-regional and local planning policy which seeks to encourage and promote the development of port facilities at Teesport. The location of the application is such that construction works and the operational development will not impact on local residents. Subject to suitable safeguarding conditions and monitoring regimes being set up the proposal will not adversely affect the integrity of the protected areas or have an unacceptable impact on wildlife, water quality or the sedimentary regime. It is considered that there is capacity on the rail network to accommodate additional rail traffic and subject to some junction improvements, the existing road network has sufficient capacity to accommodate additional road traffic. The proposal is therefore acceptable in highway terms. The proposal represents a sustainable form of development, on previously developed land, and one which will have significant economic and social benefits to the Tees Valley and wider region.

DECOOG

Signed :



Mrs P Furniss
Head of Planning Services

Date: 04 October 2007

YOUR ATTENTION IS DRAWN TO NOTES ATTACHED

IMPORTANT NOTE: Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Consent under the current Building Regulations may also be required for the development before work can commence.

County of Cleveland Act, 1987 – Facilities for Fire Fighting

Section 5 of this Act requires that, where building regulation plans for the erection or extension of a building are deposited with the Council, the Council must reject the plans if it is not satisfied:

- (a) That there will be adequate means of access for the Fire Brigade
- (b) That the building or extension will not make means of access for the Fire Brigade to any neighbouring building inadequate
- (c) If the building could be used for commercial or industrial purposes, that there is provision for installation of fire hydrants or other provision for an adequate supply of water for fire fighting purposes

Appeals to the Planning Inspectorate

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Planning Inspectorate under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice (8 weeks in the case of any advertisement) using a form which you can get from **The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, Tel: 0117 37280000**. The Planning Inspectorate can allow a longer period for giving notice of an appeal, but they will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have it granted without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Planning Inspectorate does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by them.

Purchase Notices

If either the Local Planning Authority or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In the circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to them. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

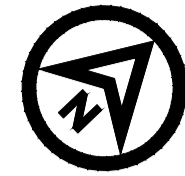
The Highways Act 1980 (Sections 131, 133 and 171)

Prior to commencing work on any development which entails interference with an adopted Highway a developer/contractor is required to obtain the consent of the Technical Services Section of the Area Management Department. Such consent will not unreasonably be withheld but will be conditional upon obtaining a "Road Opening And Reinstatement" Consent and signing an "Undertaking To Pay For Works".

The Building Act 1984 (Section 80)

Prior to commencing work on any development which entails the demolition of part, or all of a building a developer or contractor is required to obtain the consent of the Technical Services Section of the Area Management Department. Consent will be conditional on the Local Authority receiving the appropriate forms.

Forms obtained from the Technical Services Section of the Area Management Department.



NOTES

1. ALL DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE.
2. ALL LEVELS ARE IN METRES RELATIVE TO CHART DATUM UNLESS NOTED OTHERWISE.
3. TERMINAL ARRANGEMENT IS AS PER DRAWING NO. 9T3867/PLN/1004 REV P2.
4. OUTLINE PROGRAMME.

PHASE	START DATE	COMPLETION DATE
1A	2015	2017
1B	2017	2019
2	2021	2023
3	2025	2028

KEY

- PLANNING APPLICATION BOUNDARY
- - - PHASING BOUNDARY



REV	DATE	DESCRIPTION	BY	CHK	APP
P4	04/12/15	ISSUED FOR COMMENT	CH	CO	SP
P3	29/10/15	ISSUED FOR COMMENT	CH	CO	SP
P2	29/10/15	ISSUED FOR COMMENT	CH	CO	SP
P1	15/10/15	ISSUED FOR COMMENT	CH	CO	SP

REVISIONS



PROJECT
THE NORTHERN GATEWAY

TITLE
TERMINAL ARRANGEMENT DEVELOPMENT PHASING PLAN

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DRAWN	CH	CHECKED	CO	PASSED	RP
DATE	13/10/15	CLIENT'S REF.			
SCALE AT A1	1:5000	AUTOCAD REF.	PB4043-PLN-2000		

DRAWING No.	REVISION
PB4043-PLN-2000	P4