



STATEMENT OF CASE OF THE COUNTY COUNCIL OF DURHAM

Dated 24th August 2023



OBJECTION AGAINST THE NATIONAL GRID ELECTRICITY TRANSMISSION PLC (SCOTLAND TO ENGLAND GREEN LINK 1) COMPULSORY PURCHASE ORDER 2023

Compulsory Purchase (Inquiries Procedure) Rules 2007

Statement of Case of Durham County Council 24th August 2023

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1. This Statement of Case is submitted on behalf of the County Council of Durham (“the Council”) in respect of the National Grid Electricity Transmission Ltd (Scotland to England Green Link 1) Compulsory Purchase Order 2023 (“the CPO”).
 2. Whilst the Council has not objected to the CPO in respect of most of its affected landownership, it did submit an objection to the confirmation of the CPO in respect of Plot 7-27 on 20 February 2023 (“the Objection”).
 3. The Objection relates to the proposal by the Acquiring Authority to compulsorily acquire compound rights over Plot 7-27.
 4. Further, the Council has received clarification in the last few days, as to what precise access rights the Acquiring Authority proposes to acquire by the CPO over Plot 6-17, and now also objects to the CPO in respect of Plot 6-17.
 5. Plot 7-27 forms part of the Jade Business Park near Seaham. The Business Park is an important employment site. The Council has invested significant sums of money to develop the site, with Phase 1 of the Jade Development now complete. Phase 1 of the development has created 133 jobs on the site over 155,000 sq ft of space. The number of jobs on Phase 1 is forecast to increase to 250 within the next five years. Developing the remainder of the Site is forecast to add up to 535,000 sq ft (for which there is outline planning permission) with the creation of 1000 additional jobs. Jade Business Park was designated as an

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Enterprise Zone in 2015 pursuant to a Government backed regeneration initiative and significant investment in the site infrastructure continues with junction works on A182/A19 and a new pedestrian and cycle bridge over the A19.

6. In respect of Plot 6-17, the Council already has a tenant that occupies this plot by way of a lease dated 9th June 2023 for a term of 40 years. The Acquiring Authority has recently advised that they require access rights to remove overhead cables, which run over Plot 6-17 so that two electricity pylons (which are situated immediately outside Plot 6-17), can be relocated to a proposed new electricity substation at Plot 6-25.
7. If the CPO were to be confirmed in respect of Plot 6-17, this would likely cause severe disruption to the tenant's business as they have already been granted planning permission to build a battery storage facility, which is essential to the nature of their business, and construction is already being undertaken. It is likely this will be completed by the time the Acquiring Authority exercise any rights of access to Plot 6-17, as part of the battery storage facility will be constructed within Plot 6-17, and this is the precise location that the Acquiring Authority want access rights over to remove the overhead electricity cables. This would likely cause the tenant serious disruption to their business which could have economic consequences and difficulties to their business. At worst, the tenant may wish to surrender their lease altogether which would mean economic consequences to the tenant and also to the Council and may therefore have a significant adverse economic impact on the Jade Development scheme.
8. If the CPO were to be confirmed in respect of the Plot 7-27 this will seriously undermine the regeneration plans for Jade Business Park. Firstly, potential occupiers are likely to be deterred from committing to the site given the long-term uncertainty which will be caused by the confirmation of the CPO in respect of Plot 7-27. Secondly, Plot 7-27 is a large plot and confirmation of the CPO in respect of this plot will effectively 'sterilise' a large portion of the remainder of the site from development for a significant period of time. Thirdly, this undermines the ability to lease a single large-scale unit on the site, for which there are enquiries. This will have a significant impact on the achievable economic benefits on the site.
9. The Council therefore does not accept that there is a compelling case in the public interest to justify the compulsory acquisition of compound rights over Plot 7-27. Attempts have been made to negotiate an alternative site with the Acquiring Authority ("the Alternative Plot"). Whilst negotiations with the Acquiring Authority have been positive, formal terms have yet to be agreed in respect of the Alternative Plot.
10. The Council believes that the Alternative Plot is a suitable alternative to the compulsory acquisition of Plot 7-27.
11. Acknowledging the significant likely impacts identified above that would flow from the compulsory acquisition of Plot 7-27, the Council does not consider that there is a compelling case in the public interest that would justify the compulsory acquisition of compound rights over Plot 7-27, further that the Acquiring Authority's case does not outweigh the private rights affected. This is especially so where there is a suitable Alternative Plot that would avoid the potential loss of economic development and a significant number of jobs.

12. Whilst the negotiations in respect of the Alternative Plot continue, the Council must protect its position by maintaining its objection to the confirmation of the CPO in respect of Plot 7-27.

13. The Conclusion

13.1 The public benefits of the CPO scheme in relation to the acquisition of Plot 7-27 and Plot 6-17, does not substantially outweigh the private rights affected.

13.2 There is no compelling case in the public interest for the exercise of the powers of compulsory acquisition in respect of Plot 7-27, and Plot 6-17.

13.3 The Council strongly believes that there are impediments to the implementation of the CPO in respect of Plot 7-27, and Plot 6-17 as set out above.

13.4 The Council has offered a suitable Alternative Plot, which they have attempted to negotiate as an alternative to Plot 7-27.

13.5 However, negotiations have not yet concluded, and the Council is compelled to protect its position and respectfully asks that the Secretary of State should not confirm the CPO in respect of Plot 7-27.

13.6 Due to a tenant already being in occupation of Plot 6-17, under a long-term lease, and the likely severe disruption to the business and the economic consequences that flow from the implementation of the CPO in respect of Plot 6-17, the Council respectfully asks that The Secretary of State should not confirm the Order in respect of Plot 6-17.

FOR AND ON BEHALF OF THE COUNTY COUNCIL OF DURHAM
AUGUST 2023