

IN THE MATTER OF THE SOUTH TEES DEVELOPMENT
CORPORATION (LAND AT THE FORMER REDCAR STEEL WORKS,
REDCAR) COMPULSORY PURCHASE ORDER 2019

**OPENING STATEMENT OF CASE ON BEHALF OF
THE OBJECTORS TARMAC TRADING LIMITED
AND EAST COAST SLAG PRODUCTS LIMITED**

1. The following are the principal underlying bases to the objections by the Objectors: present industrial user can continue and will avoid loss of employment; regeneration possible without acquisition of Objectors' plots; loss of site for mineral processing inconsistent with NPPF guidance; problem of relocation has not been adequately addressed by AA; inadequate early or any engagement.
2. The Objectors have leaseholds interests in Plot Nos.2, 3, 67, 68, 142, 148, 149, 150, 151, 154, 155, 158 and 159 as identified in the CPO.
3. The Objectors use the land acquired for the principal purposes of an asphalt and two concrete plants, each processing minerals. The principal inputs are blast furnace slag resources on the site. The business employs eight operatives on the site and there are approximately fifteen hauliers operating transport facilities, and four contractors providing services to the Objectors' use of the site, all whose employment is being seriously put at risk by the CPO.

Present industrial user can continue and will avoid loss of employment

4. Ross Halley of Tarmac Limited, will give evidence in support of the objections. He will say that a viable business will cease and the operatives and hauliers engaged on the site will be dismissed or have their contracts terminated. He will also say that contrary to the broad statements in the Statement of Reasons, the Objectors' plots cannot be said to have the problems and difficulties identified in the Statement of Reasons and said to justify compulsory acquisition. Indeed, the benefits listed at para 4.26 of the Statement of Reasons can all be achieved without the acquisition of the Objectors' plots. The business of the Objectors is viable, and usefully processes the minerals on the CPO Site, which we assume will have to be processed by someone. The description of the Site at paras 5.48 to 5.50 of the Statement of Reasons, in relation to the SSI land, is not said to apply to the Objectors' plots.

Regeneration possible without acquisition of Objectors' plots

5. The Objectors' plots are used for a viable business. The provision of all the regeneration benefits in paras 4.25 to 4.26 of the Statement of Reasons can all be achieved without the acquisition of the Objectors' plots, as the latter do not constitute unused land and already have existing labour employments. Closing down an existence business, and terminating employments, with a view to encouraging the creation of another business and employment at some uncertain date in the future must show that the acquisition of the Objectors' plots is unnecessary and regeneration can be achieved without their acquisition.

Loss of site for mineral processing inconsistent with NPPF guidance

6. Mr Daniel Walker MRICS will say that the reference at paras 9- 17 of Mr Halley's Statement, highlights the importance of mineral processing and

transportation facilities, such as those of the Objectors, and justifies why they should be considered as being safeguarded in national policy terms, irrespective of whether they are currently safeguarded in local planning policy terms or not.

7. Mr Walker will also say that whilst the Objectors' land is not directly safeguarded in the adopted local planning policy documents, the references at national policy level to the need to safeguard minerals processing and transportation facilities highlights the importance and significance of such facilities to the sustainable supply of minerals and products. He will also say that the most sustainable means to supply minerals to secondary process locations is to co-locate by transport facilities. He refers to the blast furnace slag resources on the site, and adjoining cement plant.

Problem of relocation has not been adequately addressed by AA

8. Whilst the Objectors accept that very recently the Acquiring Authority has sought to engage with a view to understanding the relocation problems of the Objectors, by reason of their business and activities on the land sought to be compulsorily acquired, Mr Halley will explain that the process of any relocation is far from straightforward. Machinery cannot simply be moved. Alternative sites involve transport logistics as explained by Mr Halley, and go against the principles of sustainable development. He refers to page 30 of the NPPF and the environmental impacts of extending transportation lines.

9. No adequate relocation sites have been identified.

Inadequate early or any engagement.

10. Although Mt M King FRICS, for the AA, refers to communications with the Objectors in his rebuttal proof dated February 2020, the reality is that

no serious attempt was made to understand that Objectors' problems, by relocation or otherwise, prior to the making of the CPO on 10 April 2019, and any further engagement was only in very recent months. The Objectors are not mentioned at para 3.19 of the AA's Statement of Case. Insufficient regard has been given by the AA to the Guidance on Compulsory Purchase para 19. Core document C3.

Conclusions

11. It is quite clear that a considerable volume of minerals requiring processing will remain on the site should the Objectors' land be compulsorily acquired, and will still need to be processed if the land is to be restored or redeveloped in some way. In such cases where an existing activity should and can continue, there is no compelling case to include such land in a CPO, and to that extent such land should be excluded. There is precedent in the decision of the Inspector Simon Warder MA BSc (Hons) MRTPI dated 18th June 2019 in respect of the Harlow District Council (London North) Compulsory Purchase Order 2018, which, for similar reasons, was not confirmed.

Falcon Chambers
Falcon Court
London EC4Y 1AA

BARRY DENYER-GREEN

18th February 2020

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CORPORATION (LAND AT THE
FORMER REDCAR STEEL WORKS,
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PURCHASE ORDER 2019

**OPENING STATEMENT
ON BEHALF OF THE
OBJECTORS TARMAC
TRADING LIMITED
AND EAST COAST SLAG
PRODUCTS LIMITED**

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