

TEXT_CAH1_Session1_NetZeroTeesside_1105 2022

Good afternoon. Can I check that everyone can hear me clearly both in the room and on teams Thank you. And can the case team confirmed live streaming the recording of the events have commenced please

It's now two o'clock and this first compulsory acquisition hearing in the application made by net zero Teesside power limited and Net Zero North Sea storage limited. The proposed net zero T side project is now open. My name is Kevin Gleeson. I'm a chartered town planner employed by the planning Inspectorate. I've been appointed by the Secretary of State for levelling up housing and communities to be the lead member of the panel examining this application. Now let's ask my colleagues to introduce themselves.

My name is Susan Hunter. I'm also a charter town planner and I've been appointed by the Secretary of State to be a member of a panel of inspectors to examine this application. I'll be leading the discussion on compulsory acquisition matters today.

My name is Beth Davis. I'm a chartered geologist and a planning inspector and I've also been appointed by the Secretary of State to be part of the panel.

Thank you. So let's gather we constitute the examining authority for this application. And we will be reporting to the Secretary of State for business energy and industrial strategy with a recommendation as to whether a development consent order should be made, was supported by three colleagues in planning Inspectorate. John Evans, the case manager for the project, or Berto Santamaria from the case team here today, with support on teams from a tiller boss. If you have any questions regarding today, or the application process in general, can you please direct these to the case team via the email address on the correspondence and they will be happy to help you. Is anyone here today? Who is not at the issue? Specific hearings earlier today? Or yesterday? People I think you Okay, thank you. So I'll just go through a few housekeeping an introductory matters, which was the people attending more than you've heard. First, can I ask that's all audible notifications for electronic devices be switched off. Remember to make sure your microphones are switched to mute unless you're speaking. This helps to reduce background noise. No request had been made for any special measures or arrangements to enable participation in this hearing. They just like to confirm if this is correct. Request Thank you. As far as I'm aware, there are no fire alarm tests this afternoon. So if the alarm sounds, please exits via the emergency routes to the sides of the this room and at the back. Please note that chat functioning teams isn't being used today. So please don't send any messages via chats, as it's not being monitored. We will adjourn today for a short break, it's convenient points likely to be around 330. If for medical, or other reasons, anyone who requires a break at a specified time, please contact the case team. We can help you they're just the programme to meet your needs. So not have any questions or concerns about

technology or the general management of today's events. Thank you. There is a digital recording being made of the hearing. This will be made available on the project page of the National Institute of infrastructure websites. And if you take part in the hearing, it's important that you understand that your comments will be recorded, and that the digital recording will be published and retained, usually for a period of five years from the Secretary of State's decision. So moving on to the purpose of holding the compulsory acquisition hearing, as set out in Annex H of our letter dated the 11th of April. The examining authority considers it to be expedience to consider some compulsory acquisition matters orally at the outset of the examination in order to develop an early and broad understanding of the CEA and related provisions. examination is a predominantly written process and the examining authority will shortly issue a number of written questions. So under which we would like to see a matters. Furthermore, as you'll have seen from the examination timetable, there are further rounds of questions and other ca hearings proposed. At that time, the examining authority will expect to hear representations from interested parties and affected persons as necessary. This does not preclude any IPs, interested parties from making oil representations today. However, please note that this excuse me, this compulsory acquisition hearing is a high level overview. And there will not be any detailed discussions or questions regarding individual provisions within the draft DCO. Understand the South Seas Development Corporation wish to speak this hearing. Is there anyone else who wishes to participate? No indications Mr. Graves, see your hand up Yes.

In graves here on behalf of Samko utilities UK and may wish to contribute at appropriate points during the during the hearing.

That's fine. Thank you very much. Thank you. So I'll now turn to the agenda. And as you set out this morning useful to have documents to hand if possible.

And we're going to be looking at a number of key documents being the standard of reasons and book of reference. The latest clean versions are dated April 2022. As the book of reference is as dash 139 and 142 respectively. And they were submitted with the change request on 28th of April. There are updates the originally submitted versions which were dated July 2021. And they have the reference a PP double O seven and a PP double O eight. Any reference to the draft development consent order will be version three, which is dated April 2022. And that has the reference as dash 135. If there's a need this meeting will, we'll be referring to the updated version of land plans, which is as 146 the work plans as 148 and 149 and crown plans as one for certain all submitted on 28th of April. Reference may be made to originally submitted plans dated July 2021. They have the reference a PP o 18. To a PP O two two inclusive by rule 14 Two of the examination procedural requires that at the start of the hearing, the examining authority shall identify the matters to be considered at the hearing. The agenda for the these hearings were placed on the pins websites on Monday the 11th of April 2022. And we consider the main items for discussion as follows implicate implications of the change requests received on 28th of April. Please note that this has been brought forward from item seven to the top of the agenda. The tests of section 122123 of the Planning Act 2008 section wants you to bring the purpose for which compulsory acquisition may be authorised and section 123 been lands, which authorization of compulsory acquisition can relate. Next is section 135. The planning acted as the needs in relation to Crown land. Section 132 in relation to special category lands, specifically open space temporary possession section 127 in relation to the statutory undertakers lands, and finally funding. And the

agenda, as we've set out before is for guidance only, we may add other issues to consideration as you progress, we will seek to allocate sufficient time to each issue to allow proper consideration of them. So now I'd like to take the names of all those who wish to speak at this hearing. And if you are a representative, please state who you represent. If you could begin with the applicants please.

Good afternoon sir. My name is Harry Woodfill. Part Queen's counsel I appear together with Mr. Buzz Isabella toofer of counsel who sits to my left we're both instructed by him some Mason's on behalf of the applicants. On my right you'll see Mr. Bill Ahmed, business developer at BP, he'll be speaking today on various matters, including funding. There may be other speakers that I call upon, depending on the level of detail that you go into. But I'll introduce those as and when they come along.

Thank you very much. And for southeastern cooperation.

Thank you, sir. Good afternoon. My name is Tom Henderson partner and solicitor at BDB Pitmans. We are representing southeast Development Corporation. I'm supported on my left by Mark Reynolds representing SDDC. And on my right by my colleague, Rachel hack of the BBB.

Thank you very much. And already heard from Mr. Graves. So no need for further instructions. But we'll bring you in as appropriate. Thank you very much. Is there anyone else who wishes to speak doesn't preclude you from joining later. But that's useful to know from the start and you very much so I'm now going to hand over to Mrs. Hunts lead on the main discussion. Thank you so much.

Thank you. So in a slight change to the agenda, I wanted to bring item seven to the top because the the agenda was originally written before we received the official change request and and as it was agreed by ourselves on the sixth of May, the which the letter has now been published on the website and that's under examination Library Reference PD zero 10. So the reference to the most up to date documents, all those as received on the 28th of April, and their document references as 047 onwards. So, there have been numerous changes to the extent of the otter land, but associated new set of land plans and an updated book of reference and a statement of reasons. And given this is a very recent change. And for those present or viewing today who are unfamiliar with it, I'd firstly like the applicants just to provide a brief summary that changes the reasons for them, and how they affect matters of compulsory acquisition and temporary possession. Okay.

Thank you very much. I'll be providing that overview. I'll try and keep it succinct. If there's, there's too succinct I'm sure you'll let me know what else would be of assistance. There are three main areas of change affecting compulsory acquisition, which cover most of the 13 individual changes. The first is at the gas connection route for work number two a has been selected. Secondly, the co2 gathering network route from the north of the river tees and across the T's only part of work number six to the power capture and compression site as the PCC site has been reduced in land area, including removing the long tunnel option is option one. And thirdly, updates have been made to land parcels across the order limits due to further pre front end engineering design, or feed construction assessments and landowner discussions. And the changes are intended to reduce optionality that was in the application as originally submitted to reduce land taken also to reduce complexity. And their overall effect in terms of the area covered by the order limits is to reduce that from 462 hectares to 305

hectares. So it's a considerable reduction in the order limits. In addition to that physical reduction in the scale of the order limits, the changes reduce the power sought over significant areas within the order limits from the compulsory acquisition of land and rights. And in particular, that relates to rights to powers of temporary possession only. There is only one change that's changed number 10, which results in an increase in the order limits and that is only minor but that's the one that triggers the compulsory acquisition regulations that we discussed yesterday. So far as the other 12 changes are concerned, changes one to six, nine and 13. First, these all will result in a reduction in the order limits and in the associated powers that are sought. And those changes follow the reduction in optionality and landowner feedback and then changes seven and Eight results from changes and optionality changes 11 and 12 result from reclassification of work numbers. So far as compulsory acquisition is concerned that the renewal increases in the areas over which powers of compulsory acquisition or temporary possession is sought. And indeed, some reduction where rights are sought. There's no change in those rights. Some land where previously rights were sought. So blue land on the land plans is now only subject to powers of temporary possession. So shown yellow on the land plans were worked numbers have changed, the rights that are sought in relation to the relevant land do not change. And that's what I would say by way of brief overview of the changes themselves. So so far as the overall implications for the case for compulsory powers is concerned. The main implication of the changes is to strengthen the case for concluding that the extent of land over which powers are sought, and the extent of the power sought to be acquired in each case, are proportionate, and no more than is reasonably required to deliver the project. In addition, the changes helped to address a number of the concerns raised by affected persons as reflected in the generally positive response to consultation in respect of the changes. receiving those respects, the main elements of the case for granting the power sought are unaffected. That's reflected in the relatively limited changes to the original text and the revised statement of reasons. And the updates to that document reflect the reductions in optionality and other changes and make other minor updates where appropriate. But the text setting out the substance of the compulsory acquisition case is otherwise unchanged. So that's what I propose to say by way of overview.

Okay, thank you. Could you just clarify the change 10. The plot that subject to the CA regs that we discussed yesterday, where that is, and the reason for it just just in general terms as its location, it's no need to display a plan.

And yes, I wondering when it comes to that matter. This is where I think it's probably best if I bring in one of my reserve speakers to make sure we get it right. I'm going to ask I think, Mr. Bottomly, or Mr. Boston, Jack Bottomly, who you've heard from before, he's a Project Engineer at BP. He's the best person to go to on the detail of these changes. So he's now taking this seat. So I'll ask him briefly just to explain what lies behind the additional parcel of land that's been brought within the order.

Thank you. Good afternoon. Changed number 10 relates to a small area of land associated with work number nine, which is a temporary compound located on the north tees. This is strategically located close to the Sembcorp link lines, where we will be intending to instal our gathering network.

And the reason for the need to increase the area

this relates to when we did the original drafting a small area of land was missing linking the compound to the public accessible highway.

Okay, that's fine. Thank you. We we discussed this at the preliminary meeting yesterday that regulation five ca regulations and what steps you're going to be taking which you did usefully set out yesterday. And is it is there anything you wish to add the purposes of the CIA hearing?

I don't believe so. We have the message. Sorry work to produce the documents that we have to submit well in hand, I don't understand that to be an issues that I need to update you on. Now I'll just check to make sure there's nothing that has been confirmed. Thank you

terms of the updated book of reference is 139. Other than the deletion of plots and the reduction in the area of the order land, are there any other main changes that we need to be aware of having not gone through it myself? In detail yet? So it's just changes to businesses changes, deletion of affected parties with any plots changed ownership. And just that the main changes,

I'm getting a number of heads shaking to indicate that there isn't anything significant to alert you to?

That's fine. Okay, we'll move on to item 2k. For context. For today's discussions, could you just briefly set out the compulsory acquisition and temporary possession case against the tests in the act?

Thank you, Madam. Yes. So starting with section 122. The conditions set by subsections. Two and three are both met in this case, and I'll deal with them in order. So subsection two that's concerned with the reasons why the land is required. In this case, there's no replacement land needed. And so all of the land within the order limits is either required, but development to which the development consent relates, or is required to facilitate or is incidental to that development, the statement of reasons which is as 141 that contains an explanation of the need, or the compulsory acquisition of land and powers and rights over land and Section six, and that explanation is arranged under four headings corresponding to the different powers that are sought in each case. In other words, all interests including the freehold, new rights extinguishment, etc, of rights and temporary use. Although the latter of course is a pair of temporary occupation doesn't involve compulsory acquisition of land or rights in land. In each case where freehold acquisition is sought, the relevant plot numbers are linked in Section six of the statement of reasons to specific works in the DCO. When that's read together with shedule, seven, and nine of the DCO book of reference, and also the guide to the land plans document, which is as 143, which I hope is a helpful, additional document that's coming in with the changes. When those documents are read together, it's possible to see why each piece of land or new rights or extinguishment of rights in the land is required. And also to see that in each case, the purpose of acquisition meets the condition and subsection two is either for development to which the application relates, for example, it's the location of some new infrastructure, or to facilitate that development. So for example, it's required to construct the infrastructure, or the purposes incidental to that development. For example, it's required to access and maintain the infrastructure. And appendix one, two, the statement of reasons also identifies all of the plots, subject to compulsory acquisition, or temporary possession, and the reasons why the land is required for or incidental to the proposed development. So far, as I'm aware, none of the interested parties have suggested in the relevant representations, that

the purposes for which the land is sought to be acquired fall outside the scope of Section One, two to two. And so I'm anticipating that shouldn't be controversial. But that's an by way of a brief overview in respect of subsection two of Section One to two.

And then so far as subsection three is concerned, that requires a secular state to be satisfied. There is a compelling case in the public interest for the land to be acquired compulsorily. And the compelling case test effectively mirrors the requirements of the Human Rights Act 1998. And the need to show that any proposed interference with Article One to the first protocol and article eight were relevant is for legitimate purpose is lawful and proportionate. And the statement of case sets out the same two reasons so it sets out the compelling case at sections so avond compelling case aid, policy support and 11 human rights. Although given the nature of the the test, and it's all embracing nature, it's also relevant to consider what's said in Section six, which is the need for the compulsory acquisition of land and rights. And what section six shows is that the powers are sought for legitimate purpose. efforts have been made and continue to be made to acquire the land by negotiation. Absent powers of compulsory acquisition, the order land may not be assembled in time to enable the underlying public interest objectives to be achieved. There's no reasonable alternative to the proposed acquisition in order for the project to proceed. The land selected for the project and the land needed to implement it are suitable having regard to potential alternatives. The applicants have undertaken clear and appropriate process to identify the site and the most appropriate connection corridors, and that the applicants have the ability to procure the financial resources required for the project, including the costs associated with the acquisition of land. Against that background. Section six of the statement reasons summarises the substantial public interest benefits that will be realised by granting the powers that are sought and thereby enabling the project to be delivered. These are set out in further detail in the project needs statement and the planning statement. And Section Eight of the statement of reasons summarises the policy support for the project and section 11 addresses the associated interference with the human rights of those affected and to gather, those documents establish the following points. The project meets and established urgent need for new low carbon energy infrastructure, and for the development of carbon capture and storage to address the carbon emissions of Teesside's industrial emitters. That the need is clear, and there is a compelling public interest case for meeting it. Both main elements of the project will play an important part in helping the UK to meet its net zero targets. The project will deliver important economic benefits for Teesside and the UK or generally, and the project is in accordance with relevant policy within national policy statements. The adverse environmental effects of the proposed development have been minimised and or mitigated, so that they do not give rise to conflict with policy. They are acceptable, and they're clearly outweighed by the substantial benefits. The impact of the proposed compulsory acquisition powers on those whose land is affected would be adequately offset by the payment compensation. And the measures secured where appropriate through the proposed protective provisions. Those adverse effects are clearly and decisively outweighed by the public interest benefits the project will deliver. And then finally, subsequent to the publication of the statement of reasons, there have been further developments which have strengthened the compelling case. First of all, the need case and the associated public benefits of meeting that need had been further underlined by the subsequent publication of a government policy documents that are referred to issues specific hearing one, and they'll be covered in the updated planning statement. The secondary, the extent of the order limits has been significantly reduced as a result of the changes made to the application with a corresponding reduction in the extent of interference with the interest of affected

persons. Thirdly, in a number of instances, a reduction in the order limits addresses specific concerns about the powers sought that were raised by affected persons and their relevant representations.

Or the reduction in the extent of the order limits and the shift from acquisition to permanent rights to temporary possession also helps to demonstrate that the area of land proposed to be acquired as name all that is necessary, and that the degree of interference involved in each case is proportionate. And I gave some figures for that when we were addressing what became item two in the agenda but was item seven, the change request. So before I move on to Section 123, that's what I was proposing to sell on that section 122. And section 123 provides that a DCO may only include compulsory acquisition of land if the Secretary State is satisfied that one of the conditions in subsections two to four is met. And in this case, subsections two and four are engaged, and both conditions can be satisfied. subsection two is engaged in respect to the land identified in the book of reference that was submitted with the application. Insofar as that land is concerned, the application for the DCO included a request the compulsory acquisition of the land to be authorised, and therefore, the condition in subsection two can be satisfied. Subsection four is engaged in relation to the small amount of additional land which has been included within the order limits as a result of the change application and the prescribed procedure will be followed. And thus the condition of subsection four can be satisfied to that's why we say the requirements of section 122 and 123 are satisfied in this case. Okay, thank you very much.

Just got a couple of questions really just relating to diligent inquiry into land interests. The a note that the updated book of reference now includes category three interests. And this the previous previous versions said that there was no category three lands and se Development Corporation in their relevant representation are all 035 paragraph five point 11 also highlighted a number of discrepancies. And can you confirm that this has all been addressed in in the most recent book of reference?

My understanding is that those parties have been added into category three, were previously in the book of references category one, or category two is that they're not new parties. But they have now been added to category three, as well, as a result of the changes that have been made.

And the and the comments made by South Seas Development Corporation, all those in front of me now both of they does that form part of the same amendment?

I'd like to double check that before we provide if we can provide you with a response in writing on that point, I just want to make absolutely sure that we have addressed that

point. Yeah, that's fine. Southies wants to add anything to that.

Thank you, Madam telemedicine for SDDC No, I mean, we await the response to those points. And so we'll we'll wait and see what what comes out before we come. Okay,

thank you. And it's just drafting points, but in the Track Changes version, that the bulk of reference is 140, paragraph 1.8. That doesn't reflect the amendments that are in the the unmarked copy

so without looking it up, there is an inconsistency with the track change and

the key Yeah, it has to do with the category three interests again, so just wanted to make sure that that's

well thank you for joining that our attention will obviously make sure that those two are reconciled, came.

Okay, there is a number of plots in the book of reference where you have not yet been able to identify persons having an interest in the land including rights over unregistered land. Is this as complete a list as you've got at the present time? And can you confirm what further steps you're taking to identify any unknown rights during this examination?

My understanding is that that is a complete list as we are able to produce I'm not aware of any further steps that aren't being taken. But again, we can check and confirm whether there is anything more that we think usefully might be done.

Okay, thank you. So the relevant representations and and the change requested. It refers to the fact that the applicants are actively in discussions with a number of the landowners and rights to secure the rights they need through voluntary agreements. And could you provide a general updates on how these discussions are progressing? And again, there's no need to go into a lot of detail.

Yes, I'm going to ask Mr. Biller, Ahmed. To do that I, I just noted in the agenda that was referenced in respect of this item, to not just do an update on progress, but also deadlines for their conclusions. And I just wanted to emphasise that we are obviously seeking to agree heads of terms that as many land owners as possible through negotiation. And whilst we understand the benefit of trying to get of getting agreement, whilst the examination is still running for all parties, there's not a strict deadline as such in the sense that we will continue to negotiate all the way through once the examination is complete and beyond so that we only use compulsory powers if we need to. And I just wanted to make that clear, that although we recognise what lies behind that we will seek to continue to negotiate even after the examination is complete. So with that in mind, I'm going to pass over to Mr. Bill Ahmed, who can provide you with a brief overview of where we're getting to. Good afternoon, Madam I will provide a general overview of where we are with negotiations with our landowners, along with some high level updates on a couple of specific landowners. We have 17 identified landowners across the order limits, all of whom have been engaged in the negotiation of land agreements, by ourselves those agreements consisting primarily of either easements or leases. They are all at varying stages in that negotiation process of those 17 landowners. We have concluded, heads of terms agreements with five landowners and solicitors have been instructed to commence drafting of legal documentation for those five landowners. Those agreements represent approximately 40% of the co2 gathering network, close to all of the co2 export pipeline, and two of the temporary construction compound areas north of the river. On the main site, we have been working with se developments limited se Development Corporation and tes works limited to negotiate and agree an option and lease agreement along with ancillary agreements for the main site where the power capture and compression facilities will be located. In December 2021, a letter was signed between the managing director of the applicant companies Mr. Andy lane, and the mayor on behalf of the tees Valley Combined Authority to confirm to affirm the common commitment of

both parties to conclude the option agreement and associated documentation in accordance with the principles set out in the letter. I will cover a couple of other landowners Network Rail and the Crown before bringing this general update to a close with Network Rail. We require three crossings of network rail infrastructure for the co2 gathering network. We have received confirmation of the clearances process from Network Rail, which enables heads of terms to be progressed. Network Rail have also confirmed that they have instructed solicitors to progress protective provisions and the standard framework agreement with us in respect of these crossings. Turning to the Crown Estate with whom we need to deal with for the river crossing. commercial aspects have been agreed with the crown and heads of terms are with the Crown Estate for their final review. We believe all of their outstanding points have now been addressed and we'll be seeking to move that to the fully termed agreements very shortly. As Mr. Phillips said, we will continue our engagements with all of the other landowners across the order limits and intend to finalise voluntary agreements with all landowners to completion as soon as possible.

Thank you very much. It's very useful. So in view of that, and see the latest statement and reasons. This appendix one, the status of negotiations has been updated with respect to plot numbers and rights being sought. But the final column hasn't been updated as yet. I assume that that will be updated in the next version. And we've also understand there's been discussions with the case team about providing a schedule. compulsory acquisition schedule?

Yes, there's a there's a shedload of negotiations we've we've been asked to provide, which we'll be providing as well, which will also hopefully deal with that point.

So understanding that that that's in hands, and with the up to date, names, plot numbers, reasons type of writes.

Yeah. Thank you. Yeah. And we have also understand, received the form from the case team. Okay, that purpose is very helpful.

Yeah. So that's in hand, indeed. Okay. Wonderful. And will that be supplied by deadline? One?

Yes, my it's my understanding.

Okay, moving on, I just got a question that self tapes development corporation might be able to assist with Mr. Henderson. I noticed that the previous version of the book of reference referred to presumably I might not pronounce this properly. Sir, have Vera steel industries UK, and they've been deleted from the current book of reference, could you just provide an update on on their involvement place? Do I still have rights around the landless, intending to bake poles required?

Thank you, madam. I think the position is that you'll be aware from our relevant representation that a CPA was granted for the site. As part of the regeneration proposals, our understanding my understanding is that that relates to an interest that hasn't yet been acquired under that CPA, but we'll need to come back to you in writing just to confirm that if that's possible

Yeah, if you could come back on as an action point on that. So just turning to the draft development consent order article 25. I'll just open that one up myself. Tim, in my version, that's page 23. So, this allows for alternative powers to acquire new rights over plots if parts of those plots are not required. In connection with works one and seven, but are still required for other connections. And this approach may allow the applicants to acquire less land outright if detailed design demonstrates that it is feasible and instead acquire rights and impose restrictions over which is a lesser interference, I just wanted some further clarification on on what that means in practice, article 25.

My understanding of that is that there are some areas where the way that this is crafted allows scope to take a lesser interest lesser area of land if when the design has further developed, it turns out that that is a practical option. In other words, it builds in some flexibility so that when the the powers are ultimately exercised, they're no more interest in terms of the burden it places on the affected land than is necessary at the time that that event occurs. That's by way of overview, I would need to look at it in more detail for a more detailed points about it. But I think that's the purpose.

Yeah, I just wondered whether there was any other JCOs that that there was a precedent for that.

We can look into providing precedent, but certainly the concept of having, as it were, the option of scaling down that they are ultimate rites that are required is reasonably well precedented. So it's quite often the case that where you have, for example, a linear project, you'll have the ability initially to go on, undertake the works, once the works are in place, and you're able to pin down exactly where they are. And thus, which areas of value do and don't need within the order limits in order to maintain them. And it's at that stage that you can exercise your compulsory powers to take only rights over the land that you have ultimately used for the infrastructure, if they're escaped within the order limits for some degree of latitude as to exactly where they go. So it just ensures through that mechanism, that the powers are inherently proportionate in the way they're exercised. Because the alternative is that you simply have to take a wider set of rights than you might ultimately need. So that concept is a familiar one in a number of DCIS. And we can provide some helpful precedents hopefully in due course that illustrate that.

Okay, that would be useful. Thank you. Okay, moving on to the relevant representations that we've received from, and there's a number of parties that wish to speak today. As I've already mentioned, the purpose of today's hearing is not to hear detailed discussions on individual plots at this stage. But any general comments, expanding on relevant representations that have already been submitted. And also bear in mind that the applicants will be responding to the relevant representations. The next deadline, and we do protective provisions we have discussed in part this morning is H two, and will be briefly discussing Under Item six today as well. But just with that in mind, any affected persons here today want to speak on what's been said so far? Now's your opportunity. Mr. Henderson?

Thank you, Madam, without getting into the specifics of our representation. I did just want to respond relatively briefly to Mr. Phillipotts remarks on section 122. In particular, I should preface our comments as you know, with the position that that we SDDC are supportive of the proposal. So the comments should be obviously considered in that context. It was really to make the point that I think which is clear from our representation is that in respect of certain parcels of land, which affects our interests, our

position is not to stand is that some of that land doesn't meet the tests in Section 122 and associated requirements of guidance. In effect, our position is that there's land currently included in the scheme which is not actually required to facilitate the development. And there are some land route corridors contained in the proposals to which reasonable alternatives exist, which when negotiating the client with the, with the applicant to bring forward which would avoid the impact as matters stand on our, our interests. So as in summary, we're saying that the proposals as they stand have a disproportionate impact on STD C's interests, and we're looking for further changes. In order to address those concerns. We put in a very detailed, relevant rep as you would have seen, with a view to Flushing these points out at the earliest opportunity. So we were somewhat disappointed that some of these changes won't include We did in the change request that's come forward. But what I would say is we do think these matters are still capable of resolution through further changes and other protections in the DCO. And we encourage the applicant to bring forward these changes as soon as they possibly can.

Okay, thank you before I come back to to the applicant, Mr. Mr. Graves Sembcorp.

Grateful, madam. Again, similar to the previous comment that she just opened by saying that same core is in generally is positive about the development and is supportive about the development. And so, what I what I'm going to say should be considered in that context. The point I don't want to repeat, you know, at length things that we've we've already said in our relevant representation, but the point that I just wanted to raise was one about countervailing public interests. And in particular about the pipeline corridors, that Wilton International and other elements of the of the cluster, the industrial manufacturing cluster in this region, the pipeline corridor is, is a piece of key infrastructure that enables that the success of the cluster of Wilton International, and that is something that is of national significance. And there's an extremely strong public interest in the success of Wilson International. And, as I say, the associated cluster, and in fact that that is one of the reasons why the project is located wherever it is. The point that we wanted to raise is in relation to the legal arrangements by which Sam court manages the pipeline corridors and effectively balances the sort of rights and interests of, of all the users of the corridor. And these are carefully balanced at the moment through relatively complex legal arrangement, which would inevitably be disrupted by the use of powers of compulsory acquisition, either to acquire rights or to extinguish them. And what we say is that rights effectively should be granted in common with other users of the of the corridor, which can be achieved by a commercial agreement with some court. So firstly, any action that has the effect of harming the future success of Wilson International, and the associated industrial cluster cannot be in the public interest. But secondly, hours of compulsory acquisition aren't actually required in this case, because Sam Corp is perfectly willing to grant rights on a commercial basis to facilitate the project. And I should say that talks are ongoing between the parties to facilitate that. But the issue around public interest and weighing and balancing countervailing public interest in this case is not really dealt with in the statement of reasons or in the planning statement. And we would say that it's a particularly important one. And ultimately, there can be no justification for harming the long term economic success of Wilton International, which would be the effect of granting the powers that are sought in this case, in particular over the the pipeline corridors. Thank you.

Thank you very much. Mr. Graves. Is there anyone else that wishes to speak before I go? That's the applicant. Okay, lights respond on. Yes,

madam, I'll deal briefly with those comments starting with s TDC. Just two points to make. First of all, I listen carefully to what was said in respect to Section 122. And the suggestion that that not all of the land is required to facilitate the development. And as I understand that submission is not a submission aimed at section one, two to two and the purposes in which the land is said to be required. It's more relevant to the question of whether the land is more than is needed, which is part of the compelling case test under subsection three. We can address that in terms of the detail in written submissions in due course. The second point is there so far as alternatives are concerned particularly having regard to the support for the project which has been re emphasised on behalf of best TDC. This afternoon, what we will expect, of course, to see in the written representations is clear explanation of what SDDC will be inviting the examining authority to conclude and to recommend if the changes that they would like to see are not, in fact, proposed by the applicant, because that will form obviously an important part of the debate to be had about any alternatives in due course, then turning finally, to what's been said, on behalf of some core, the applicants, of course, very much alive to the importance of the infrastructure that is referred to, and the users that are in and around the order limits, very much live to that, as was quite fairly pointed out. There are active negotiations taking place in order to address the concerns that have been raised both in respect of a the compact, the voluntary acquisition of rights and other protections that might be needed to avoid those harms. I don't believe that the underlying question of the need to ensure they're not adversely affected is controversial. It's simply a matter of ensuring that the protection is proportionate, and that it is secured in a way that either both parties are happy with and therefore can be dealt with, by agreement or otherwise, can be put onto the face of the order. It is, of course, commonplace that where negotiations are taking place, as here in earnest in order to obtain rights by negotiation that they take place against the backdrop of the availability of compulsory powers as a fallback, and there's nothing exceptional about that.

Thank you very much. Moving on twice, and three, she's the section 2135 tests relating to crown lands. flav, Mr. Arnotts already given me a brief update on that. Is there anything else to add in relation to crown lands and indicate whether agreement will be reached before the close of examination place?

In terms of the status of the negotiations are safe, Mr. Homma has anything to add to what he's already said?

Only that we are confident that agreement will be reached. So that's hopefully encouraging, but I don't have anything more specific to add than that, on that particular point.

Yeah, okay. So just we will need in due course, your response to what are the implications if if that Crown land consent is is not forthcoming? By the end of the examination that we're we're only at the start so we'll see how it progresses.

Yes, I I was conscious of that might be something that would need to be potentially touched upon in relation to one of the sub items under item three, which is prevention of compulsory acquisition of any interest held in current land. So I can touch on that when we come to that point if necessary.

Yeah, just just highlighting the importance of resolving Crown land consent before the end of the examination. Deadline 11 first of November.

This is probably for a later compulsory acquisition hearing, but an explanation of how the project can proceed if some or all of the Crown land has to be removed from the order land. If you're confident that Crown land consent will be obtained in due course, that might be one for further compulsory acquisition, or

I was just we crossed that bridge if it looks like we might have

to Yeah. Okay, thank you. Item for a special category land the section 132 tests. Just to confirm that open space is the only type of special category land.

Yes, ma'am. Just before we do that, under item three, you also had two specific points. which I just want to check whether you were intending that those are dealt with in writing or whether you want to do anything on them today. I

don't want to hear anything on them today. So

I'm very happy to do it. So if I move on to then item item four, yes, well, in the section 132 is engaged here, because parts of the order land constitute open space, as defined. The open space land in this case comprises parts of the foreshore and the beach at I'm probably pronouncing this incorrectly but carthon sounds and parts of Kaitlan sand dunes and the land in question is used for public recreation. As is explained in Section nine of the statement of reasons. There are details of the open space land in table one, on pages 69 and 70. Of the statement of reasons. And it's also shown hatched in blue on the land plans, that sheets 1011 and 12. S A S 146. And this also identified in the book of reference. So that that's the that's why it's engaged. Would you like me to go on to address the case in relation to that? Or do you have further questions before I do

that? No, I just want I just wanted to clarify that that that that was what the use of the open space was in from what I can say is mainly Beach, foreshore, grassland, grassland around the beaches. Yeah, that's fine. And my next question question relates to words five A and five B, the water disposal works and the carbon dioxide export pipeline work aid and the issue of the existing whether the existing outfall will be used. And just some indication of timescales and when will it be known which outfall would be used and how that will affect the use of the open space? Is it necessary to obtain rights for both

that starting with that last point, so far as five A is concerned the repair and upgrading the existing water discharge infrastructure that only requires temporary possession powers rather than compulsory acquisition, and therefore it would only be in a relevant section one through two would only be relevant in respect of five B. So that's the new water discharge pipeline. And those are of course, alternatives, only one will ultimately be required. And the decision on those will come during the examination. So that will be known and we will only ultimately be asking you to recommend in relation relation to one of those. And of course, if it's five A then the section 132 issue would not arise in respect of those works.

Okay, thank you for that clarification. Just Just for the record, really, but Can Can you confirm that it's only section 132 Which applies there's there's no special land no national trust land,

but not that I'm aware of.

And now can you briefly set out how you consider the use of the open space land meets the tests. You action? 1323

Yes, indeed, Mellon, the applicants don't seek powers to acquire the freehold interest in any part of the open space land, but we do seek powers compulsory acquire new rights over the land. The rights that are required are discussed in Section nine at the statement of reasons. And they're needed for the purposes of constructing, refurbishing, maintaining and operating part of the water discharge pipeline. That's work number five, but as I've said only five be the co2 export pipeline work number eight. Those powers will be subject of course to special parliamentary procedure pursuant to section 132 Unless the Secretary of State is satisfied that one of the exceptions in subsections three to five applies and that's recorded in the order. In this case, the relevant exception is subsection three Which applies where the open space land is no less advantageous than it was before, when burdened with the rights under the order for the following categories of persons persons to whom it's vested other persons, if any entitled to rights of common or other rights and the public. And it's the first and third of those categories which are relevant here. And in summary, the exception applies because of the very limited extent to which the open space land would be affected by the relevant development and other activities that REITs would facilitate. The works that are required to instal the relevant apparatus on the open space land are subterranean, using either horizontal directional drilling or another form of trenchless technology. They don't involve any physical works taking place on the surface of the open space land, such as to have an effect on the access to or use of it. And as a result, the physical appearance of the open space land will be unaffected. The use of the land will generally be uninterrupted and unaffected by the exercise of the rights proposed to be acquired. The only exception would be brief restrictions on limited areas, typically during the night, during the initial testing and pressurisation of the co2 export pipeline. That's a one off event, it's not something that would affect the land in any permanent way. Any restriction will be brief, and in practical terms will be timed so that no one was present. And there's further detail in terms of the timing of that in the explanatory memorandum, as 138 paragraph three 410 234 14. My understanding of the process of testing is that it involves taking the pipeline close to the operating pressure incrementally, and then above the operating pressure to test integrity. And the pressure will be increased in that way when no members of the public are present and typically happening at night. And once the testing is complete, and the pressure is reduced, there's no need for any further restriction. It's also relevant in this respect, to look at the effect of requirement five, which we discussed earlier in, in respect of the access land, which is relevant in how this will be managed because the access land which is subject to the temporary stopping up rights includes the access land at Katyn beach and the sand dunes. That's the end of sheduled seven in part three. And as we've seen when we looked at that requirement, earlier, one can't undertake any temporary prevention of access to the access land. Until the management plan has been submitted to and approved by the planning authority. It has to include the details that are specified in the requirement. And there will be no permanent effects on the public access to the open space land once that exercise has been complete. And then finally, the preamble to the draft development consent order includes as we saw earlier, a statement as to compliance with section 1323 In order to comply with Section One three to two. So by way of overview, that's why we say the test can be better here.

Okay, thank you very much. That's all the questions I've got on Crown land, proud man land open space section 132. Rights, Item five. Could you briefly set out how you decided whether a plot would be needed for compulsory acquisition, or whether temporary possession could be used. And in general, how long is seeking temporary possession to last?

I'll deal with that first part so far as how long it's likely to last, I may need to go back to Mr. Bottomly, to deal with that as a practical point, but the criteria that he used in relation to temporary possession. Just to make clear at the start, of course, there are two two ways in which temporary possession might arise. In this case, there is the land identified in sheduled nine that may only be temporarily possessed. In other words, the land can't be acquired and then new rights can be acquired in that land. And possession may only be taken for the purposes set out in the schedule for that particular plot. So that's a yellow land on the land plans. And then there's also any other land within the order limits that can be taken temporarily, where powers of compulsory acquisition have not yet been done. used and that's the staged approach that we referred to earlier. And the answer to the particular question that you've raised applies only to the first category. In other words, the yellow land where no compulsory acquisition of land or rights is proposed. And as the statement of reasons, explains, the short answer to the question is that land has been included within the scope of temporary possession powers only, where the applicants have determined that they don't require any interest in the land on a permanent basis. So they need to take temporary possession and use it. But once they have used it for that particular purpose, but for construction, it doesn't need to be retained and no right needs to be retained in it. Thereafter, in terms of the likely duration of the temporary possession, powers, I have a say Mr. Jack, bottom is come to the table. So I just asked him to deal with what's anticipated in that respect.

Thank you, madam. In terms of duration for temporary possession, we've envisioned that this would take us 12 months post final commissioning change stand is common across previous TCAS. Likelihood some elements of wood would seek or finish prior to that, but yeah, we'd be seeking possession temporary possession up to 12 months based final commissioning.

Okay, thank you.

And imagine just for the just for completeness, that the points I was making related, obviously, to article 31, which deals with temporal possession. And both of those two ways that I've just outlined.

Thank you. This might be another one for Mr. Bottom layer, but could you briefly explain the proposed construction working weights and the assumptions that they're based on?

Is there any particular area of the order limits that are associated with

it's it's in response to some of the relevant representations that have said that it more more lands been taken than what's needed for for construction? At the end of pipelines? I think.

So, we did assess this as part of our recent change requests that was accepted. Predominantly those changes related to removing new rights and converting them to temporary possession rights. And as

part of that assessment, we've been doing some early constructability work on the extensive land we would require for material lay down and construction of the pipeline. At the moment, we are early into front end engineering designs. So we've not reached a level of definition where we could commit to reducing those further.

Pay understood Thank you. So that's all I've got to ask on Item five temporary possession. Does any of the affected persons need to raise anything on this matter before I move on? Self tes?

Thank you, Madam Tom Henderson for SDDC merely just to repeat the point that I made in connection with section 122 about the requirement for land and the existence of reasonable alternatives. The same points apply in respect of land over which temporary possession is proposed, as Mr. Phillpotts said that's a different process, technically to compulsory acquisition. So it's just to clarify that point. Okay, thank you.

Item six protective provisions that article 41, schedule 12 of the draft development consent order relating to protective provisions. And he mentioned this morning that some additional bespoke protective provisions are likely to be added. Could you just repeat the list of organisations that would relate to

but of course, that's any US UK s and s limited. Teesside wind farm limited, low carbon limited and Huntsman polyurethanes. UK Limited

and that will be reflected in the next version of book of reference at the relevant deadline.

Yes, I understand that's a deadline to version. Yeah.

Book of reference draft ACI deadline to the other thing I wanted to check, and was the names of the organization's are correct and up to date. I was thinking specifically about Anglo American and York potash. And there was a bit of confusion between us about the name because the sole mentioned in the draft desio has been York potash, because you just clarify that. I don't know if Anglo American wants comments as well.

Work towards an Anglo American. Yes, there are name changes. And in fact, there's more name changes that have happened on the sixth of April, there have been a lot of name changes in the company. So they've moved around a bit, I think the best you can do is to say the relevant representations will set out what's happened because Sirius minerals has changed changed to Anglo American waters limited that has now changed again. And Anglo American Woodford Limited has changed to a different company. So rather than go through it now, I think the best thing to do is just let you have that in writing, and send it all out. And then that will have implications for some some of the documentation obviously.

Okay, thank you. Do you have anything to add to that? Is there any other organisations that you're aware of?

Not that I'm aware of, but that but that sounds, if I may say, so like a very helpful, practical suggestion.

Okay. Thank you. And just a general question about the the number of relevant representations that we've received from statutory undertakers. you've commented on the adequacy of the protective provisions and Staniel been responding in full at deadline one deadline to sorry, but could you just provide a general update on how you're dealing with the comments from the statutory undertakers place?

Mr. Armour is going to provide you with an overview. So just Just briefly, without getting into specifics, we have received comments from a number of statutory undertakers which are being reviewed in detail as part of our response to those protective provisions, I think similar to the status of land negotiations, and we are at varying stages. And a number of those protective provisions are also subject to land agreements with those statutory undertakers but we are responding we are reviewing and responding to those comments in detail as part of developing a final set of protected provisions

Okay, thank you is there anyone present here today that wants to make any further comments in relation to protective provisions?

I've got no further questions on protective provisions item seven change request with the mats. So move on to Item eight funding.

Now I had had a few questions which were partially answered or are going to be answered following yesterday's issue specific hearing one on the scope of the development the wider relationship with the zero carbon Humber projects and northern endurance and then of Innovate UK funding we did we did discuss that yesterday so I don't need to do that. Can I just check again when the updating updated funding statement will be submitted?

But I'm just taking taking matters in stages, there will, of course be a funding statement in relation to the additional land coming forward. We haven't anticipated at this stage that we would provide an updated funding statement there say, because essentially, that the there's nothing that would warrant that at the moment. What I can ask is for Mr. Ahmed, to just provide a brief update, all update now, if that's the system's?

Yeah, that's fine. So what was said yesterday regarding types of funding and the attendant and their compulsory acquisition regulations. Will there be an addendum in relation to anything else that's in the funding statement?

I think all we had in mind for that was a written summary supplied by supplemented by any other information that seems useful, but it is specific to the additional plan that wasn't as a general update, okay.

Okay, Mr. Mr. Ahmad, let's provide an update.

Yeah, the update is very brief only to confirm that the position as set out in the in the funding statement remains up to date and correct. As will be supplemented in writing following yesterday's issues specific hearing. The only other exception is the makeup of the partners involved in each of the applicant companies, which I can now update as as follows. So for Net Zero North Sea storage limited, which is also branded as the northern endurance partnership. The partners are BP exploration Operating Company Limited equinor, New Energy limited. Shell UK Limited total energies, gas and power chartering limited and National Grid carbon limited. And for the second applicant company netzero Teeside power limited for the two partner companies, our BP exploration Operating Company Limited and equinor, New Energy limited. Other than that, we don't anticipate making any further changes to the funding statement at this point.

Okay, thank you seat provide that in writing as confirmation. And the annual reports that are appended to the funding statements, will they be updated for only for those partners that are met you've just mentioned?

Yes, yeah, we can make those updates.

Are there any updates to the estimated cost of the scheme?

No, the cost remains as set out in the funding statement.

Yeah, this muscle was highlighted by South tees in their relevant representation, paragraph five point 16. Is that section five of the funding statement indicates the total costs we've just mentioned for the compulsory acquisition required for the proposed development, but it doesn't doesn't include a separate estimate for compulsory acquisition. It's the total cost. Are you able to provide a figure for land acquisition costs in the update in the update to the funding statement or the the addendum?

If I may, there's no doubt that the overall figure that we have provided in the funding statement includes the land acquisition costs, those land acquisition costs have been arrived at on the basis of a proper professional advice in relation to the valuation of the land that interest to be acquired. There is as you might anticipate a come Proper commercial sensitivity over releasing an overall figure, particularly in circumstances where the relevant number of landowners is limited. And the applicant is in negotiation with those parties to seek to acquire interests without the need for compassionate if possible. And therefore it's it's common in circumstances where compulsory repairs are sought for a separate figure not to be given in this case, there are good reasons good public interest reasons why that's not appropriate. But I have checked and I've been assured that the figure that is rife that includes compulsory acquisition costs and that that figure is derived on the basis of proper professional advice

Okay, thank you. Mr. Gleason and Miss Davis if you've got any further questions I'll pass about some Mr. Gleason action points are the matters

first of all, yes, other matters. We haven't been identified. I haven't been notified that anyone wishes to raise any other business relevance this hearing are there any other matters no wishes to race have been heard Nope, I think you

might be taking down action points I've got seven so I'll run through them. The first of the applicants check whether the questions raised by STD CS relevant right which was RR zero 35 had been answered. The applicants had to confirm whether or not paragraph 1.8 of the book of reference has been amended in the Track Changes version, which is a s 140. Confirm as the third one confirm whether the plots identified in the book of reference, as 139 were no persons having an interest in the land including any rights over unregistered land is a complete list that was for the applicants. One for S T DC, to confirm the status of the compulsory purchase order for sahur various steel industries UK Limited applicants to investigate if there is precedent for article 25 of the draft DCO in respect of alternative flexible powers to acquire new rights to pink plots. Item three for the applicants there were two remaining questions that you were going to respond to in writing. And last one for the applicants updates defending statements for the additional land to include changes in the makeup of companies for Net Zero storage limited and net zero power limited.

Thank you very much. That's helpful.

Thank you. So I think that concludes matters for this afternoon. Thank you very much for attending today and for your participation has been very helpful to us. We will be considering the responses and deciding whether or not we need to have further hearings and they will be setting out further written questions which will be issued shortly. Tomorrow we have the accompany site inspection commencing at nine o'clock and notes being put on the websites which sets out the itinerary and the meeting point. Following the accompanied site inspection, the next step for us is to issue the will late letter and post written questions we're visiting during that probably by the 19th of May, just slightly later than would normally be the case. Bearing in mind, we will try and incorporate as many questions about the change request as we can and clearly we've been having the hearings this week which is delayed progressing those matters. So I think probably more likely 19th of May. So once again, thank you all for attending the time is now 330 and this compulsory acquisition hearing against the proposed net zero T side projects is now closed and you very much