

TRANSCRIPT_CAH2_SESSION2_NETZERO TEESSIDE_13072022_1

Wed, 7/13 12:43PM • 27:11

00:07

Hello everyone it costs 12 like to welcome you back, and we can get started.

00:16

Thank you. We're now on Item five on the agenda which relates to temporary possession.

00:26

I don't think there'll be much to say on this agenda item, we've already touched upon some of the matters in in item four. But I will just like a broad overview, and could the applicants just briefly set out how they decided whether a plot will be needed for compulsory acquisition or whether temporary possession could be used.

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And also a summary of any changes to acquisition type, since since we last met for the first compulsory acquisition, hearing, and whether there's likely to be any further changes to the type of acquisition.

01:05

Thank you. Thank you, Madam dealing with the first point, the first capacitor acquisition, hearing, I distinguished your recall between the two different types of temporary possession power in article 31.

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First of all, that which can only be temporarily possessed, so that's the land identified in sheduled, nine where that land can't be acquired and new permanent rights can't be acquired in that land. And so that is a possession meaning but it be taken temporarily for the purposes that are set out on the schedule for that particular plot. And then any other land within the order limits can be taken temporarily, where the powers of compulsory acquisition have not yet been used. And we discussed the staged approach in relation to that second element. So, so far as the that that first category of land is concerned,

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land has been included within the scope of temporary possession powers only, where the applicant has determined that it doesn't require any permanent interest in that land. So once the temporary need for it has passed, there is no need to retain any further right in that land for any of the potential purposes that might give rise to such a permanent need.

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That that explanation remains the same. Now, it's the central criterion that has been used to determine that.

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So far as

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the

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position compared to where we were in the last hearing,

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that there is

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no change since then, in terms of compulsory acquisition, or temporary possession, because the changes that were made, obviously were made before the start of the examination. Since then, no further changes. As you'll

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recall, obviously, I explained a moment ago, the proposals that are afoot to make further changes that will include reducing the amount of land that is to be taken. And obviously when that application to change comes in, you'll see the the extent of that as it finally sets.

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If there are particular questions about the application of that approach those criteria to the two individual plots that you have, it may be that Mr. Bottom is able to assist with those, but that's the general approach that's been taken.

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No, that's fine. Thank you.

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When we get the proposed further changes, will there be an update to the guide to land plan plots submitted at the same time?

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Yes, that will be one of the documents. Okay, thank you.

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The only specific one I wanted

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To mention, and this item of the agenda was sent stem corpse comments, where they refer to their preference for temporarily

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applying for it

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and give it given the time limited duration of the development. And this is paragraph 62 of their D two response. Rep. 2098.

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Do you have any comments on that? And do two Sembcorp have anything additional they wish to raise? Or maybe come to simcorp? First on that?

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Mr. Byers, thank you. Thank you, no, nothing additional this this stage, the point is made, as you say in paragraph 62. And we do maintain it to this stage.

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Miss Mr. Bottomly, do you want anything to add to that place?

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Madam? No, I would not add a new further than what we replied to in the response to written raps, which is

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rep 3012.

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Okay, thank you. Are there any other effective persons present today that wants to make any comments regarding temporary possession? Ses?

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No, thank you, Madam. We've made submissions on the extent of temporary possession, as you'll be aware, but

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I think it's fair to say on the issue of whether land should be proposed as temporary possession or versus compulsory acquisitions. And that's not a particular issue for us other than one or two small plots, which remain at his discretion.

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Thank you. Are there any other parties?

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Who in virtually see any hands up?

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Okay, is there anything else the applicants wish to raise before I move on to the next item? No, thank you, madam. Thank you.

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Item six, the section 135 tests which relates to crown lands and

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boats.

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And understand there are now eight plots where the crown owns the lands and their their response certs deadline for related to the interface agreement, but there's no update regarding compulsory acquisition of interests in Crown land. And are there any updates about when discussions might be ad hoc? I'll ask Mr. Armour to deal with the question of discussions that there's nothing further I wish to say in terms of the other matter arising from their deadline for submissions. Okay, thank you.

07:55

Just to comment, as we mentioned, at the first compulsory acquisition hearing, we've made positive progress with the crown on voluntary agreements and we have subsequently concluded a negotiation of heads of terms with the crown and they are now with their solicitors for final review. And we have instructed solicitors on our side to commence the negotiation of the legal agreements. We are awaiting a response from the crown on section 135 consent. So that's also with them to come back to us on.

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Thank you, and are you still optimistic this will be concluded before the end of the examination very much.

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Okay, we'll move swiftly on to item seven protective provisions.

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This has crossed over with quite a few of the other items both today and yesterday as well.

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We thought we'd discuss specifically statutory undertakers today. But as I understand it, the only strategy undertaken present today is PD Teesport. That right?

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Initially,

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this is written down in the documents, but could you just confirm and then like whether there's any changes to the identity of those who are classified as statutory undertakers. Could you list them please?

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Yes, if I can, if I can deal with it

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in this way, but just bear with me a moment.

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So

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Under item

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seven, the way that it's put is to ask confirm the identity of which of the affected persons are classified as statutory undertakers. And that there's a distinction to be made in terms of the context for this because this is in relation to the protective provisions, because we've got some protective provisions which apply to the specified statutory undertakers. So that's the electricity, gas, water and sewage Undertaker's. That's part one. But we've also got in part two, which is embraced within the agenda item, electronic telecommunications code operators. And the distinction there is to whether they are statutory undertakers therefore engaged by section 127

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or whether they are people in that case, who's who are not statutory undertakers were one to seven is engaged, but are engaged under 138 Because there is relevant apparatus as defined in subsection three and 138 deals with

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whether there is either relevant right or there is on on under or over that and relevant apparatus. And relevant right.

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Is means a right of way or right of laying down erecting continual maintaining apparatus on under overland which is

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either invested in or belongs to stash Undertaker's or is confirmed that conferred by or in accordance with electronic communications code on the operative and electronic communications code network. And then relevant apparatus is split in the same way between apparatus vested in or belonging to stash

Undertaker's for the purpose of their undertaking, or electronic communications apparatus kept installed. So

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for those who were within Part Two,

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they would be caught by section 138, rather than section one to seven. So just to draw that distinction, and obviously, the different tests apply in section one to seven, you've got the serious detriment test to which the protective provisions are directed. And then in Section 138, you have a different test, which is just a test of necessity. So it's a lower level of protection. And

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we have

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in terms then of the

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past one to three, we've got

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past one and two is, as I've said, for the specified statutory undertakers

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part. And then part two, sorry, is the electronic communications code operators.

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Part three is national grids, specific electricity and gas entities. And so they're bespoke, and we'll address those under the following item.

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And bespoke protective provisions are in there for a number of statutory undertakers including, parties for whom bespoke provisions have been included in the last two drafts. So, so far as those who are within the book of reference to him, the general protective provisions would apply. Part one, you've got mg T T side, limited electricity licence holder, and they have apparatus within the order limits.

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And then part that you also have white Tara energy limited electricity licence holder, and they use roads within the order limits for access. And then so far as part two is concerned. There are no parties identified in the book of reference, specifically as being electronic communication code operators, with apparatus within the audit limits.

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But I should say we were just checking the factual position as regards those who may have electronic communications apparatus, just to make sure that we've got that

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That's right and will revert to in writing on that deadline five, once that has been checked, but if any are identified, then the provisions in part two or schedule 12 will operate to protect them.

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And the applicants consider that the form of protective provisions that are in part one and to adequately protect those Undertaker's that I've identified, or if any emerge under Part Two, any electronic communications, code operators who have apparatus within the order limits. And then

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I'm happy to go on to effectively this would be the next item in order to deal with those statutory undertakers who've got

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bespoke provisions, but I don't know whether you want to take them in order.

16:04

Yeah, that's fine. If you go on to which of the statutory undertakers we've got the bespoke provisions because there's a couple of new ones that right yes, so I'm

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so the bespoke protective provisions fall within parts, three to 27. And so part three is National Grid, electricity transmission, PLC and National Grid gas PLC. So

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ng get if I can abbreviate.

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That way as an earthtrust. In licence holder, an NG G as a gas licence holder both have got apparatus within the order limits, the protective provisions are based on national grid standard form. And

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unless you'd like me to go further, I wasn't gonna go further into the protective provisions themselves at this stage. Then part 10 is Network Rail infrastructure, limited owner and operator of the rail network and that includes rail lines that are crossed by Work Number six, the co2 gathering network and connections associated with work number one, again protected versions based on their standard form. Then part 11

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We have northern power grid, North East PLC and northern power grid, limited northern power grids and electricity Undertaker operating a distribution network within the area of the authorised development got various apparatus and accesses within the order limits.

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And the protective provisions are based on those which have been accepted by that party in the Drax power, generating stations Order 2020 Order

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and

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then we've got part 13 PDT support. Limited there are statutory harbour authority puttees port and the port area as you'll be aware extends north and south of the T's

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part 21

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T side wind farm limited EDF Energy Renewables

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limited they are

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Excuse me.

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They do not have

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in the case of EDF renewables limited they don't have an interest in land

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and teas side wind farm limited or not an electricity Undertaker so they're that they so far as the section 127 Mater is concerned they're not not engaged in relation to those two just by way of

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background but there are protective provisions for them in part 21 part 25 Northumbrian Water

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limited so they are a statutory water and sewerage Undertaker for the area in which the authorised department is located. We've got bespoke provisions for them added following discussions between the parties

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and then

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part

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26 Northern gas networks gas distribution network operator with high medium and low pressure gas pipelines and associated apparatus within the order limits now so far as they're concerned

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and they have not made a representation. So section 127 not engaged for them either protected revisions based on their standard form.

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So that's by way of overview of who's, who's there and who is dealt with by way of bespoke revisions. And which ones are those are statutory undertakers, and those were section 127 is engaged.

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Okay, thank you. Now that that's useful.

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IE, we said we we'll provide obviously a return note of this. However, it is quite that there's quite a bit of detail there. I've done my best to keep it succinct. But when we put in our written summary of oral submissions, if it's helpful to

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elaborate in any of that, I hope they'll be forgiven as a still a summary.

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That's fine. And then And then so to get that in writing with any additional detail that's necessary that that will be great. Thank you. Do PDT support wish to raise any matters about their protective provisions? Today's Mr. nesbit's?

21:36

Thank you, madam. No, not at this time. I'm not sure it'd be particularly helpful to go through the detail. They're reaching a reasonably advanced stage. So I'm happy to leave it at that for today. Unless you have any questions.

21:52

No, that's fine. No, it's good to hear that there's an advanced stage. Thank you.

22:09

So are there any other additional bespoke protective provisions likely to be added?

22:24

Not as presently advised. Yeah. We'll let you know. Obviously, if anyone else who's going to be added? Right. Thank you.

22:39

All right, I've got no further questions on that matter. So I'll pass back to Miss Davis.

22:49

We've not been notified that anyone wishes to raise it any other business? Are there any other matters to raise after what's been heard today?

23:02

Mr. Gleason has been taking down the action points from today's hearing. Do you like to win through those now?

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Thank you. So I think we have seven action points.

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First one for the applicant submits for the proposed changes to headline six. And he was said which should include the guide land plans.

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Second one is first actually to provide an example ca schedule.

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as the basis for the applicant, CH schedule, which will be provided in revised form that will be an ongoing

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issue.

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fourth item is the applicant to provide substantive updates on negotiations regarding the lack of lack indicates access issues as either deadline five, or deadline. 6/5 is for the applicant to demonstrate the need for different widths of working corridors, including diagrammatically. That's been done by deadline five.

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Six points is the applicants to confirm the duration of rights being sought in respects of sencos interests.

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And the final action for the applicants to review status change takers covered by Part Two scheduled 12 to be done by deadline five.

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Does that correspond with the Atkins understanding? I don't think I've got anything which is in my notes to add to that just yet. No one else seems to be indicating there's anything in there

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Same thing can possibly go I think Jack has Jack Bottomly has some things, you know further actions but one minor points on the updated ca schedule. With the significant changes attract change version may look a bit clustered and confusing. So, but I suggest we only submit a clean version. But that on five. Yeah, yeah, I've seen email that's come through about that and yeah, a clean version and then try to see we'll see what the changes are the updates to voluntary agreements in the in the correct column. But yeah, any any future changes should be tracked and keep this one completely clean. Thank you.

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Thanks, Miss Gleason.

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The actions be published as soon as possible on the project page of the national infrastructure website.

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If there's no other relevant business, may I remind you that the timetable for this examination requires the parties provide any post hearing documents by Tuesday the second of August as deadline five on the timetable. May I also remind you that a recording of this hearing will be placed on the project page of the inspectorates national infrastructure website.

26:16

Thank you all very much for attending today and for your participation, which has been very helpful. We will consider all of your responses carefully and it'll inform the examining authorities decision whether written questions or a further round of hearings will be necessary. There'll be a further issue specific hearing on environmental matters at 10 o'clock tomorrow morning.

26:37

Once again, thank you everyone. The time is now about 10 past 12 And this compulsory acquisition hearing into the proposed Net Zero Teesside project is now closed