



Hearing Transcript

Project:	EN070009 - H2Teesside
Hearing:	Preliminary Meeting
Date:	28 August 2024

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H2TEESSIDE_PM_SESSION1_280824

Wed, Aug 28, 2024 1:39PM • 1:38:17

00:06

Good morning and welcome it's now 10 o'clock and time for this meeting, for the H 2t side national infrastructure project to begin. I would like to welcome you all to this preliminary meeting, which is now open before the examining authority introduces itself. I would like to deal with a few preliminary matters. Can I check with the case team that you can hear me and that the meeting recording and live streaming of this event has started? Please?

00:30

Yeah, I can confirm all of the above. Thank you very much. I can hear you too. Thank you. So could I also ask that all audible notification or electronic devices, including mobile phones, be switched off or at least turn to silent. Please.

00:46

Could I, with this rescind

00:52

I would also ask you to keep your camera switched off and the microphones switch to mute unless you're actually speaking. This helps to reduce the background noise and to assist with the broadband width. Additionally, I would advise that no requests have been made for any special measures or arrangements to enable participation in this hearing. But I'd just like to check that that's correct. Please.

01:13

I'm getting no indication, so I'm going to move on with regard to introductions. I'm Christopher Butler. I was appointed on 22nd of May 2024, under Section 65 of the Planning Act 2000 Planning Act, 2008 under delegation from the Secretary of State as the lead panel member to examine this application. I am a chartered member of the royal Town Planning Institute, and have academic qualifications in Town and Country Planning. I have made a declaration of interest responding to the planning spectra, its conflict of interest policy, and can confirm that I have no declarable interests in relation to this appointment. I'm now going to ask my fellow panel members to introduce themselves. Please, mister Sims, good morning. My name is Matthew Sims, and I was also appointed on the 22nd of May 2024, as a panel member to examine this application under Section 65 of the Planning Act, 2008 as amended under delegation from the Secretary of State. I'm a chartered civil engineer and a member of the Institution of Civil Engineers. I've also made a declaration of interest responding to the planning inspectorates conflict of interest policy, and can confirm that I have no declarable interests in relation to this appointment.

02:24

Good morning. My name is Sharon Bennett, Matthews, and I was also appointed on the 22nd of May 2024 as a panel member to examine this application under Section 65 of the Planning Act, 2008 as amended under delegations in the sector of state. I'm a qualified solicitor. My legal specialist areas, Town and Country Planning, I have made a declaration of interest responding to the planning inspectorates conflicts as the interest policy, and I can confirm that I have no declarable interest in relation to this appointment. Okay, together, we constitute the examining authority for this application, and we will be reporting to the sector as state for energy security and net zero with recommendation, with a recommendation as to whether or not the development consent order should be made. Can I also introduce my planning Inspectorate colleagues working with us on this examination, some of whom you will have already spoken to. Lily Robbins is the case manager leading the planning spectra. It's case team for this application. She is accompanied by Mabon Evans, the case a case project officer, technicians from production 78 are also intended solely for the purpose of managing the recording and the live streaming of this this virtual meeting. I would also like to add that other colleagues from the planning spectrum may join virtually this preliminary meeting as observers only as part of the planning Specter. It's commitment to continuing professional development. The preliminary meeting is taking place virtually online, but the format, content and procedures will be very similar to traditional face to face preliminary meetings that have been held previously for other development consent order examinations. However, we are conscious that video conferencing fatigue, of video conferencing fatigue, and we will aim to keep proceedings focused and as efficient as possible. To assist this, we issued Annex B to our rule six, letter of the 31st of July, 2024 which set out the introductions to the preliminary meeting process. We trust that you have all read in this in advance, and we will only provide in a summary of those key points. In this meeting this morning, we will be examining the application number en 070009

04:29

which is an order which is an application for an order for development consent for the H 2t side project, a nationally significant infrastructure project. The application has been made by h 2t side limited. You will find information about the application and documents produced for this examination on the planning inspectors national infrastructure website. This website has a landing page for this project and further pages that set our examination procedure, the timetables, relevant representations and examination documentations our rule six, letter of the 31st of July.

05:00

2024 included the web address. You are encouraged to take a look at the website if you have not already done so, because the examining authority will be using it to communicate with you and provide access to documentation throughout the examination.

05:14

I now want to speak briefly about today's meeting. Could I ask for the agenda to for today's meeting to be put on screen, please. That's Annex A to our rule six letter.

05:31

Thank you

05:33

for today's meeting. The agenda is now on screen for anybody that's joining us by telephone. It would be helpful if you have a paper copy in front of you to refer to it throughout today's today's business, as I've already said, it can be found at Annex A of our all six. Letter dated 31st, of July 2024,

05:50

I intend to deal with items one and two together and the subsequent agenda items in order. That's the initial assessment of principal issues, the procedural decisions, the draft examination, timetable, dates and formats of initial hearings and accompanied site inspections, remaining questions or submissions concerning any procedural matters not covered elsewhere within the agenda. And then finally, any other business.

06:13

We can stop sharing the agenda now please.

06:19

A note of this meeting will be produced and a digital recording will be made. Both will be made available on the project page and the National Infrastructure website that I referred to earlier.

06:29

The applicant has also arranged for the meeting to be live streamed on the website of production 78

06:36

please be aware that the chat function on production 78 web page is not in use. The

06:42

recording allows any member of the public who is an interest in the application and the examination to find out what has happened and whether, whether they are able to attend the meeting or not, in terms of the preliminary meeting being held today, virtually, when the preliminary meeting is held, all participants present in person,

07:00

present in person. The examination uses visual clues to recognize and manage and invite oral contributions in virtual events like today, that's not possible, so we would require more structured approach. So for this virtual meeting, I and my fellow members will introduce the agenda items and invite each person to speak at a relevant moment when you joined the arrangements conference, just before you started this meeting, you confirmed your name and agenda item on which you have requested to speak to the case manager. That information has been passed to us, and we know when you wish to speak, we will use this information to ensure that you are introduced, introduced into that item if any parties are admitted into this meeting late or experience technical issues which prevent them from speaking at the time they have requested, the case manager will inform us, and we will do our best to ensure that you will be heard before the closing meeting. Please wait until you are invited to invited before you start to speak. Each time you speak, please introduce yourself by name and organization. We need this to verify that the correct person is speaking and to locate the submissions

that you have made. It also assists any party watching the live stream or the recording to assist us and help us with the smooth running of the meeting. Speakers should ensure that their points are relevant to the agenda item at hand, and be and please be polite to other speakers. Please ensure that you do not interrupt other people when they're speaking.

08:26

An examination is issues based if someone speaks before you and puts a point that you agree with, there is no need to repeat it. If it's sufficient to say that you agree with the point that was made by the previous speaker. Speakers who pre who repeat matters that have already been put will be asked to move on to their next point. Speakers who interrupt or are discourteous to others will be warned in such circumstances, it's important to be aware that an award of costs can be applied for and made against anybody who is behaving unreasonably, and that repeated interruption or disruption of the meeting after the first warning or a quest to stop is, in principle, deemed to be unreasonable behavior.

09:04

The meeting is being held on the Microsoft Teams platform, but the chat function is not in use. If fully active participants using the team platform wishes to make an additional unscheduled contribution, they can use the hand up function, though, please be aware that this is often delayed. We will come to you at an appropriate moment in proceedings. Anybody participating by telephone can indicate a similar request by saying their name at an appropriate break in the proceedings. In both cases, please wait until you are invited to make your point. At this time, we should acknowledge that we have received submissions at procedural deadline a that was Thursday the 15th of August 2024

09:44

from DWD property and planning limited on behalf of the applicant, h 2t side, Anglo American woodsmith limited. Anglo American woodsmith Teesside limited, and Anglo American crops nutrients limited. Hereafter.

10:00

Refer to as Anglo American, they've indicated that they wish to speak on Agenda Item three, which the initial assessment of principal issues. Agenda item six, dates and formats of hearings and accompanied site inspections, as well as possibly agenda agenda items for procedural decisions taken by the examining authority and agenda items five, draft examination timetable in regard to statements of common ground generally and understanding deadlines related to them. We've also had notification from evershed Sutherland on behalf of PDT sport limited. CF fertilizers limited, INEOS, night trails limited. UK Limited, navigator terminals limited, and Sep Corp utilities limited, who advised that they do not have anything specific to raise at the preliminary meeting, but would like to be available to respond to any specific queries related to their clients. We've also had notification from lichfields and BDP Pittman on behalf of South tees group, who have advised that they do not anticipate in making any submissions at this preliminary meeting. But again, we will maintain a watch in brief and comment as required or asked to respond to matters that have been raised

11:05

these these the contents of all of these submissions have been noted. In addition to the above, we will be looking to discuss the nature and the number of the hearings that may be held in the future as part of item six, should it be required? And also separately in relation to locations for accompanied site inspections. Before

11:26

we get into deductions, I believe, like to comment on the examination process. And we'll provide a summary of the points about the meeting, the purpose of the preliminary meeting and examination process that will follow it. As mentioned, this is already set out in greater detail in Annex B to our rule six, letter of the 31st of July, 2024 and please do read this carefully if you haven't already done so. So in terms of the purpose of the premier meeting, a preliminary meeting is being held to discuss the arrangements for the examination of an application for an order for development consent for the H 2t side project, a nationally significant infrastructure project. This preliminary meeting focuses on the PERT process only, and it will not be looking at the substance of the proposal, questions, discussions and representations about the merits or disadvantages the pros proposed development and the application are for the examination itself. This will begin after the close of the preliminary meeting.

12:18

You will find information about about the application, and in due course, documents produced for the examination on the national on the planning inspectorates, national infrastructure website, the application is set for our it the application, the address for that is set out in our rule six letter of the 31st of July. The examining authority's proposals for the examination are also set out in that letter. This preliminary meeting is your opportunity to influence the process that we are intending to follow during the course of the examination. In summary terms, the preliminary meeting will establish the procedures and timetable for the examination of the proposed development. It will thus set the framework for the examining authority's task, which will also enable the Secretary of State to consider and decide on the application. We would do this by identifying relevant policies and examining examining the application in the light of it, whilst touching on government policy. I just should point out that the right honorable Rachel Reeves MP in her first speech as chancellor, referred to new policy intentions for critical infrastructure in the coming months, ahead of updating relevant national policy statements within a year. However, unless advised otherwise, the current suite of energy national policy statements dated 31st July, 2023

13:29

designated on the 17th of January 2024 have effect as they will be the designated national policy statements when this ends, this nationally significant infrastructure application was accepted for examination. Any revised energy national policy statements will therefore have effect only in relation to those applications for development consent accepted for examination after their designation of those amendments, however, any emerging draft national policy statement or those designated but not having effect are potentially capable of being important and relevant considerations in the decision making process, the extent to which they are relevant is a matter for the Secretary of State to consider within the framework of the Planning Act, and with regard to the specific circumstances of each development consent order application. We would also stress that is not the examining authority's role to consider the merits of policy, but to consider the proposed development within the parameters of the

parameters of the national policy statements and any other policy that is important and relevant. I just wanted to say a few words about the examination process. The examination of this nationally significant infrastructure project will commence once the preliminary meeting has closed. The examination process is primarily a written one, and it is an inquisitorial has an inquisitorial approach, as opposed to an adversarial one, this means that it will be for the examining authority to probe, test and assess the evidence, primarily through written questions. Cross examination of witnesses by other parties will not generally be allowed.

14:55

The draft examination timetable includes numerous opportunities for parties to provide evidence in.

15:00

Writing. These are detailed in Annex D to our rule six letter, following the closures of the preliminary meeting, examining authority has discretion to make changes to the examination timetable, and if possible, events will be arranged for times when all relevant parties are available. However, the examining authority is under a legislative legislative duty to complete the examination of the application by the end of the period of six months, beginning the day after the close of the preliminary meeting. So whilst we were trying to accommodate requests, in practice, there will be very limited scope to alter dates set out in the draft examination timetable. Hearings will usually be held face to face, but there may be unforeseen reasons why, which means that for this examination. They also may they may need to be wholly virtual. However, we will endeavor to hold face to face events via a blended process wherever possible during the examination, and we have sought to build in as much flexibility as possible in the timetable to ensure this can be achieved. However, as stated above, there may be reasons why the examining authority will need to adapt the process and for hearings to be held purely virtually like this preliminary meeting will now mention some of the events that may take place during the course of an examination.

16:13

An examination Typically holds some hearings. The draft examination timetable includes provisions for these witnesses are invited to speak and hit and the hearings are usually and the hearings are used by the the examining authority to gather and test oral evidence. There are three main types of hearing that may be held there. Firstly, Any registered party may request an open floor hearing to make oral representations about the application if they believe it to be preferable to restricting their representations to the written form, although both carry weight, the second is a compulsory acquisition hearing related to the compulsory acquisition and or temporary possession of land and rights. This will occur where an affected person may request a compulsory acquisition hearing to make oral representations about the application if they believe it to be preferable to restricting their representations to a written form, though, again, both carry equal weight in terms of both the open floor hearing and compulsory acquisition. Hearing, the examining authority may decide to hold those regardless of whether people ask for them or not.

17:18

Finally, the examining authority has the discretion to hold issue specific hearings if they would aid examine the examination, and there is a specific reason that they would be more helpful than reliant

on written evidence alone. Additionally, the examining authority may hold an issue specific hearing on the draft development consent order. This is normal practice, and it would be held on without prejudice basis. Parties can thus discuss modifications and amendments to the draft order provided by the applicant without prejudicing their overall position on the application. The examination will also include site inspections. There's two main types of site inspections that may be undertaken by the examination authority as part of the process. These are known as an unaccompanied site inspection and an accompanied site inspection in from information regarding all forms of site inspection are available on the empowering inspectorates national infrastructure website. The proposed the purpose of the inspection is for the examining authority to see the features of the proposal within the context of the evidence put forward. The examining authority has already undertaken three unaccompanied site inspections. And notes of these unaccompanied site inspections have been published on the project page of the national infrastructure website. It is possible that we may undertake further unaccompanied site inspections in due course. In terms of accompanied site inspections, we intend to discuss this matter further in item six, dates and formats of hearings and accompany site inspections if required. Within three months of the close of this examination, the examining authority will provide a recommendation report to the sector of state for energy security in net zero, who will consider the evidence and review the recommendation before making a final decision on the application. That concludes the key points I wish to raise about the process today, but please do read Annex B to our all six letter for further details. Does anybody need any clarification on these general matters around the examiner process, examination process that will not be covered by other later items in this agenda?

19:15

Okay, nobody's indicating so I'm going to move on introductions with those that have joined the attendance conference earlier, we've already given those given your details, but you've not yet been introduced to those that are here today or to those that will be following the examination via the streaming or the live recording. Shortly, I'll be asking you for your details,

19:38

but before I do just a few things to remember, I've already advised you that this meeting is being recorded because this is a virtual meeting. It will be watched and listened to by attendees in many different locations, both during and after the event, and their participation is just as important as all of ours at this stage, I must make it clear to you that because the digital big that because the digital recording that we are making will.

20:00

Be retained and published. They form a public record that can that can contain personal information, and to which the general data protectorate, data protection regulations apply, the planning inspectorates. Practice in is to retain and publish the recordings of the for a period of five years from the Secretary of State's decision on the development consent order. It is important that you understand that the meeting is being recorded and that the sessions are being live streamed, and that your recording will be retained and published. The recording will be retained and published. If you prefer not to have your image recorded, you can keep your camera switched off and only turn your microphone on to speak. It's very unlikely the examining authority will ask you to put any sensitive personal information from information, such as email addresses or economic, financial, cultural, health related matters into

the public domain. Indeed, we would actively encourage you not to do that and to avoid the need to so it avoids the need to edit the digital recording at a later date, we would ask that you try your best not to add information to the public record that you would wish to be kept private and confidential. However, if for some reason, you feel that it's necessary for you to refer to sensitive personal information, I would encourage you to speak to the case team. In the first instance, the case team will then explore with you whether the information can be provided in a written format which could then be appropriately redacted before being published.

21:29

Please bear in mind the only official record of the proceedings is the digital recording that will be placed on the project page of the national infrastructure, website, tweets, blogs and similar communications arising out of this meeting will not need, will not be accepted as evidence into the examination of this application. Finally, for the purpose of identification and for the benefit of those who may be listening to the digital recording. Later, could we ask that at every point in which you speak, could you please give your name, and if you are representing an organization or an individual, who it is that you are representing also, please ensure you speak loudly and clearly when making your submissions. Does anyone have any questions about the terms in which the digital recording are being made?

22:15

Again? I'm getting no indication, so I'm going to move on. So we would like to go to introductions for anybody who's requested to be heard, either on their own or representing another person or organization, we need to know your names and the persons or organizations that you're representing, if any, and your role and briefly confirm which items on the agenda that you are intended to speak. Can we first start with the applicant? Please,

22:40

Good morning, sir. My name is Harry wood. Phil Park kings Council, and I appear together with Miss Isabella to fur of council on behalf of the applicant, h 2t, side limited. We're instructed by Pinson Masons.

22:57

I don't anticipate, at the moment, needing to call on any other speakers during the course of this preliminary meeting, if it becomes necessary to do so, I'll introduce them as we go along. Okay, thank you.

23:10

Can we move on to companies and organizations wishing to speak? I've got Anglo American please. You.

23:24

Tab Hello. My name is Tabitha Knowles from litchfields planning consultancy, and I'm acting on behalf of Anglo American woodsmith Teesside limited. Anglo American woodsmith limited, and Anglo American crop nutrients limited, which collectively and here on I'll be referring to as Anglo American.

23:46

Thank you very much. Do you have colleagues with you today that you need to introduce, or are you just going to speak on their behalf

23:53

as well? I'll be speaking on their behalf today that they are joining. Okay? Thank you very much. I've got evershed Sutherland.

24:06

Thank you Good morning. My name is Zara Darragh, and I'm here with evershed Sutherland, representing five different parties today, being Samco, utilities in your side, trials, PDT, spot, navigator terminals and CF fertilizers.

24:20

Okay? Thank you very much. And then I've got litchfields on behalf of South tees group, I believe.

24:30

Yeah, morning, sir. My name is Phil McCarthy from litchfields planning consultancy, yeah, appearing on behalf of South tees group. Good. Okay, thank you, Mr. McCarthy, have I missed anyone, any organizational party present in this team's event who wishes to speak,

24:50

getting no indication. Just to note that the marine management organization have confirmed that they would not be in attendance today for this preliminary meeting. So we're not expecting anybody.

25:00

From the marine management organization. Nobody else has notified us of their intended attendance. Thank you all for this. Sorry, Mr. Butler, sorry to interrupt. I've just realized that I either I missed it or we, we didn't hear whether how

25:16

Miss or Mrs. Knowles and Miss or Mrs. Dara would like to be referenced.

25:20

Ah, right. Okay, so do you have, do either of those two parties have any preferences to how they're they're referred to?

25:34

Hello. Ms, Knowles is fine. Thank you.

25:40

Noted,

25:42

yeah, MS, Dora is fine for me as well. Okay, apologies for that. I think that was my fault. I don't think I actually asked you. So

25:50

thank you all for that. The introductions are now complete before I move on to the next item on the agenda. Does anyone have any burning questions of an introductory or preliminary nature that they need to resolve now, and that will not arise under any other agenda item today.

26:06

Additionally, does anyone have any questions about how to participate or the technology?

26:15

Okay, so I'm not getting any indication. So we're going to move on to Agenda Item three, which has been taken by Ms Bennet Matthews,

26:26

sorry, turning to Agenda Item three, it will be useful to have the Annex C of our all Six letter on the screen for this item. Please. You.

26:52

Thank you. I think we have that on the screen. If your technology does not allow you to see the list on the screen clearly, you can find it as annexed to our rule six, letter of the 31st of July, 2024

27:07

the list will provide a framework of the issues for the examination going forward. However, it does not preclude us from amending the list by the removal or addition of issues at a later stage in the process.

27:21

I have had the following requests in relation to this agenda item from the applicant and angrio American, the applicant wishes to discuss the reference to the item listed on the assessment of alternatives related to the need for this type of energy infrastructure, and specifically for the proposed development,

27:45

they also question the inference related to the need specifically for the proposed development in an alternative context.

27:56

In querying both aspects the applicants highlighted that matters settled by national policy statements should not be revisited or reopened in the development consent process. And to that end, section 106 of the Planning Act 2008

28:13

provides that the Secretary of State may discharge representations that relate to the merits of national policy

28:22

in its procedural deadline, a response the applicant emphasized National Policy Statement en one, especially part three and part four, in support of its argument that there is no need to pursue examination of either, firstly, the need for this type of energy infrastructure, or secondly, to consider the need for the proposed development in an alternative context.

28:48

In addition to the applicant's comments made in its procedural deadline, a response the examination authority has also read and is conscious of the applicant's needs. Need Statement, a p p 033 the examination library and its planning statement, a p p 031

29:08

which also provides commentary in relation to these matters,

29:14

the examination authority would acknowledge in in the light of the applicant's submissions in this regard, as well as the clear government guidance set out in national policy statements, especially national policy statements, en one concerning this matter, there is no requirement to consider the need for this type of energy infrastructure, nor to consider the need for the proposed development in an alternative context. And as such, the examination authority is not proposing to pursue either of these matters further in the initial assessment of the principal issues,

29:52

can I ask Would the applicant like to comment or address this matter further?

30:00

Good morning, madam. Harrywood, Philpott Casey, on behalf of the applicant, grateful for that indication, which obviously then reflects what we were seeking to establish when we raised this matter in our written submissions,

30:16

but the indication that has been given as to how this will be addressed, I address

30:23

establish law on this, not just through the Planning Act and the provisions it contains, but also what the courts have said about this in a number of decisions considering this matter, the only area where we would say it is legitimate to consider the issue of need is where there is any additional evidence that put in to show there may be additional specific benefits for a particular project, over and above that which is to be taken from the National Policy Statement, where that is the case, clearly It's legitimate for the examining authority to consider whether any such additional benefits are established or not, and if they are to take them into account in the balance, the balancing exercise. But that, of course, is an exercise

that can't go behind what's already established in the national policy statement. It's simply supplementary to it. So with that caveat, to explain, in particular what the need statement and the planning statement are doing in respect of need, beyond simply identifying what's relevant in the national policy statements, we think that the decision that has been made is helpful and hopefully will save time in the examination. We're grateful for it.

31:47

Thank you. Mr. Harbors. On behalf of the applicant, can I now invite a response from the representatives for Anglo American police if they have any responses or any comments I

32:00

tab

32:03

Hello. Tabitha Knowles, on behalf of the Anglo American,

32:07

it's only really to say that, as part of this segment, would like to make clear to the examining authority that Anglo American will be directly affected by the by the proposals, and has the right to comment on the proposed powers and provisions, and will be seeking to protect Anglo American's interests and land with respect to its own DCO. Anglo American has been here before, on the net zero T side DCO project, with respect to project overlapping DCO order limits discussions to secure voluntary land agreements and discussions to arrange suitable management of future construction and operations. Anglo American intends to take a similar approach for this DCO and examination as it did for the net zero T side DCO. Thank you.

33:02

Thank you very much. Mrs. Knowles, on behalf of Anglia America, can I move now to invite any other comments from any other interested parties who have been registered to take part in this preliminary hearing meeting. Sorry.

33:21

Zara Dara semcore In espy, de ports, navigator terminals and CF fertilizers, just to make the examining authority where we are just watching briefly on today, but we are happy to take any specific questions away and will respond in writing.

33:39

Thank you very much. Miss. Knowles on behalf Thank you. Can I now invite a final response from the applicant? If you do have a final response on anything that's been said,

33:54

Thank you. Madam. Perry wood, Philpott Casey on behalf of the applicant. Madam, no particular response. We hear what Anglo Americans say. This is a matter which I think maybe touched on in the first issue, specific hearing, number of the agenda items and any comments I've got, I'll say for that, but

nothing in terms of the procedural matters, how the examination is going to be, rather than someone Okay. Thank you, Mr. Harward. On behalf of the applicant.

34:22

I just would like to check have I missed anyone

34:25

who has indicated in a procedural deadline a response that they wish to speak on this agenda item three, the initial assessment of the principal issues.

34:38

Okay, I haven't had a response from anyone. So we're going to move on to Agenda Item four, and I'll hand you back to Mr. Butler. Thank you.

34:49

Thank you very much. We would now ask to turn to annex f of the rule six letter where you

34:57

will note that the examining authority has already.

35:00

Made a number of procedural decisions.

35:03

Thank you for sharing those on screen. The procedural decisions we've already made were that the preliminary meeting and our first issue, specific hearing would be held virtually. Statements of common ground and statements of commonality were requested from specific parties to start to come in from deadline one where possible, along with the statements of commonality, we made a procedural decision with regard to land rights tracker, requests for national policy statements trackers and new policy intentions tracker related to critical infrastructure, the National Planning Policy Framework tracker and a national development management policy tracker where relevant,

35:45

the examination Progress Tracker, a request for suggested locations for the accompanied site inspections and a request to accompa to attend those accompanied site inspections.

35:57

We made procedural decisions related to notifications of statutory parties or local authorities wishing to be considered as an interested party,

36:08

we made a decision regarding written representations by deadline. One local impact reports by deadline. One application guide, document trackers by deadline. One

36:18

and requests for compulsory acquisition hearings to be made by deadline one, as well as open floor hearing requests by deadline one,

36:27

we also made a procedure of decision related to the deadline of submissions for responses to relevant representations by deadline one and additional submissions,

36:39

the acceptance of additional submissions by the same deadline, schedule of changes to the draft alone consent order, also a procedural decision, and regular update to documents throughout the examination were all also procedural decisions specifically related to the application guide, the explanatory memorandum, the statement of reasons, the schedule of negotiation with land risk, land interests, the funding statement and the book of reference.

37:11

We also made procedural decisions regarded visuals for hearings and the submission of closing submissions no later than deadline eight, which currently would be Thursday the 20th of February 2025,

37:25

just to be clear that deadline one is currently set for Tuesday the 17th of September, with deadline two occurring on Thursday the third of October.

37:33

Annex F provides further details behind those requests. And I would therefore, I therefore do not propose to repeat those detail in those in detail. Now the

37:43

examining authority is where the because the procedural deadline, deadline, a of the proposed locations for site visits, various parties have made submissions on that and responses to those submissions are due by deadline. One which is the seven currently the 17th of September,

38:01

will be taking into account those comments, and we'll also be discussing them at Item six of this meeting.

38:09

We would also draw the attention of parties that there is also been a range of additional submissions from the applicant which had been accepted into the examination by the examining authority. Those have been subsequently published and made available on the 30th of May 2024 with further application documents being updated and submitted as part of the applicant's procedural decision a submissions on the 15th of August. These documents are all form part of the examination record,

38:35

therefore, whilst not inviting discussions on the contents of any additional submissions accepted or further application documents updated and submitted as part of the applicant's procedural decision, a submissions the examining authority is acknowledging those documents now represent an updated outline for the applicant's overall position, having regard to several technical assessments to set assessment matters and Any conclusions which may have been drawn from those

39:04

those those announcements aside, there's nothing further for me to say on procedural matters. So turning to the applicant to start the discussion in regard to the procedural decisions, the the you've made the examining authority aware that you wish to comment, in regard to statements of common ground, and then potentially the land rights tracker and potentially the policy tracker. We note the observations contained in your procedural decision, letter decision a letter, sorry your your response, procedural deadline, a

39:39

in regard to the land right tracker and the policies tracker, and we do not consider that we need to discuss those items further unless there's something specific you wanted to add. However, we do consider your comments regarding the statement of common ground should be pursued further, and we know you are seeking seek for the purpose of the statement of ground, the proposed statements of common ground.

40:00

Be reduced in number as a significant number of the parties listed are landowners who you were advising that already in discussions with in respect to land ownership within the order limits. As such, you consider the discussions of those landowners are are best tracked through the land rights tracker, rather than through the statements of common ground you've ever you further commented that this would be done on the basis of the applicant, would seek to agree with the relevant landowners the contents of the relevant columns of the land rights tracker reporting on the status of negotiations, on protective provisions, heads of terms and side agreements, elements, and that this would have the benefit of showing an agreement position between the parties as progress is ongoing with negotiations with land ownership interests, thereby helping to limit the number of statement of common grounds required for the examination. You've also indicated that statement of common grounds would simply, if you provided that the number that we've sought, they would simply be a recording of the same information across a large number of different documents, rather than effect,

41:02

rather than being efficiently, effectively, across consolidation of the the position through the land rights tracker. As such, you were seeking to propose to submit only statements of common ground with Durham County Council, the Environment Agency, Hartley Paul Borough Council, the Health and Safety Executive, the marine management organization, national highways, Natural England, red car and Cleveland Borough Council, South tees group,

41:26

which includes South Tees Development Corporation, South Tees Development Limited and Tees Work Limited. Stockton-on-Tees Borough Council, Tees Valley Combined Authority and the United Kingdom Health Security Agency. However, the examining authority has noted that some of the interested parties previously listed for

41:46

statements of common ground who have made procedural deadline a submissions have are keen to enter into statements of common ground, and these include, but are not limited to BOC Limited and Natura Global Limited. So starting with the applicant, have you anything you would like to add to what you have set out in your procedural deadline, a response concerning statements for common ground?

42:09

Please, sir, Mr. Philpott Casey, on behalf of the applicant. So the only thing that I would add about that, it's really to note an element of contingency, as you'll have seen in the response that we provided at deadline, a that's PDA zero 20, we asked the discussion of the landowners, and captured in the land rights tracker that the contingency is this, as you'll have seen. We we've also sought the views of the examining authority as to whether the land rights tracker, as it's now been produced, is indeed the most effective and efficient way of recording the information that the examining authority would like to have, as opposed to a beefed up schedule of negotiations and power sort which is a PP 026,

43:09

and if the examining authority were to take the view on considering those two documents, but rather than the land rights tracker in the form that it's set out in PDA, 022,

43:23

it might, in fact, be better to have the beefed up schedule of negotiations and powers solved. The request that's made in relation to the statements of common ground would then effectively be a request that where landowners are concerned, the discussions are captured in the schedule of negotiations powers sought, because, of course, the land rights tracker would then be overtaken

43:49

by that other procedural decision. So that those two decisions are related, those two requests are related. That's not spelt out in the document put in that we put in a deadline a but it is a necessary necessarily follows that if one decision is made, the other would effectively have to be adapted to reflect it. It would obviously be helpful if the examining authority has any particular

44:19

response or view in the light of now, having had the opportunity to see the land rights tracker, we are of course, seeking to provide something which is in the most useful for the mindful also of the size of the document that's produced. And we want to make sure that we don't

44:39

set in train something which we then might find unduly burdensome without any particular benefit, but those are the only additional comments that I would make at this stage. So okay, thank you. Does anybody else? Any other interested party wish to comment on what they've just heard? Please? I.

45:02

I'm getting no indication. Oh, sorry, sorry. Thanks, Knowles. I'm sorry. Thank you. On behalf of Anglo American, our expectation is that there would be a statement of common ground between the applicant and Anglo American. Just note that it wasn't included in the list that you've just read out.

45:29

Yes, I've noted that.

45:32

And

45:35

what we'll do is we'll review the comments that I've heard, and we'll have a look at who has requested to maintain a statement of common ground, and then we'll consider whether or not those those parties remain in the list, or whether we remove other parties. So

45:57

the applicant, would you like a final right of reply, or anything you've heard? So yes, who would fill part on behalf of the applicant just briefly, so we don't have any in principle difficulty. If a particular party wants to have a state common ground with us,

46:12

then as an individual case, we'd be happy to do that. What we don't want to do is to set, set up something which simply reproduces information. But if a party like Anglo American wants to have a statement of common ground, we don't have a particular objection to it, but that would be on an exceptional basis, because they particularly want it, and we recognize, obviously

46:36

they are affected.

46:38

Okay, understood. Do you want

46:41

to make any responses at all

46:46

in terms of Anglo Americans? Response,

46:49

no, that's fine. Thank you. Okay, thank you. All right. Okay.

46:55

In terms of the applicants, PDA submissions for the land rights tracker

47:03

or the policy tracker. Do you want to add anything at all? Mr. Philpott,

47:10

so no, essentially, so far as the land rights tracker is concerned, it's partly a matter of impression. You and your colleagues will have had a chance to compare the two documents that clearly, it's clearly a document of very substantial scale, and if it's to be used by you and your colleagues to keep track of this, we just wanted to provide an opportunity to reflect on that and to see whether or not it might be dealt with in a more proportionate way. But that's a matter for your judgment, we're happy to leave it with you. So far as a policy tracker is concerned, we understand and support the thinking behind it. Essentially, as policy, new policy emerges, it's important that we keep track of it and that the examination is able to consider it. At the moment, there's nothing material to report for the reasons we said, but early days of the new government and we watched this space. Okay? Thank you very much, Mr. Philpott, Does anybody else want to respond

48:13

again? No indication. So I'm going to move on

48:17

to the procedural decision, a response from Anglo American. It indicates it may wish to speak in relation to procedure of decisions already made, especially in regard to further understanding the deadlines for statements of common ground. Clearly, we've already discussed statements of common ground above, but it may be, may be the understanding deadlines better is discussed under the next item. It might be better to discuss it under that but it's entirely up to you are happy to discuss it now or in the agenda timetable is up to Anglo American, whichever they would like,

48:54

Yeah, but then I was Anglo American, and we're fine if it's

48:59

picked up as Part of the next item. Thank you. Okay, thank you.

49:06

Is there anybody else wanting to raise anything about the procedural decisions already made?

49:16

Okay, I'm getting no indication. So we're going to

49:20

move on to the draft examination timetable, which is being taken by Mr. Simms, who's covering those aspects. Thank you. Thank you, Mr. Butler, so if we could just move the shared document back to annex F please, that'd be fantastic. You.

49:57

There we go. Thank you, Annex D, thank you very much.

50:00

So if your technology doesn't allow you to see the draft timetable on screen clearly, you'll find it as Annex D to our rule six, letter of the 31st July 2024,

50:12

so as soon as practical, after the close of this preliminary meeting, the examiner authority will issue its rule eight letter, which will finalize this timetable. At the same time the examining authority intends to issue the first written questions on the application. More than one round of written questions may be issued, and as you will see from the draft timetable, a second round of questions has already been set for publication on the 28th of November, 2024 if required,

50:42

we can also, if we consider it necessary, at any point during the examination, issue a specific request for information from named party, which is known as a rule 17 letter.

50:54

So deadline one is currently timetabled for the 17th of September 2024

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this deadline, amongst other things, the examining authority is expecting to receive written representations as well as statements of common ground, as far as possible, local impact reports from the relevant authorities and notifications from those people or organizations who wish to speak at an Open floor or compulsory acquisition hearing

51:22

by deadline two, which is currently programmed for Thursday the third of October 2024

51:27

we're expecting to receive notifications from those people or organizations who wish to attend any accompanied site inspection, as well as responses to our first written questions. We'll also be expecting, amongst other things, comments on the written representations, the local impact reports, schedule of changes and any updates to the draft development consent order. We're also expecting the applicant's first update on the land rights tracker, which we have just discussed, and we'll take account of that discussion, which we've just had, as well as the updated book of reference, together with any responses to the examine authority's first written questions and other documents and submissions made by deadline one,

52:09

as you'll see from the from the draft timetable, there are further six proposed deadlines where the examining authority require information to be submitted. And for expediency, I'm not going to cover the detail of every one of those. You'll be able to see them in the draft of the timetable.

52:29

So turning to specific requests to speak, we have notes we for request to speak from the applicant and Anglo American and again, we've just had a brief discussion about that, so we'll bring you in at the right time to discuss the statements of common ground.

52:45

In addition to these notifications, I would also like to note that the marine management organization in their response and that procedural deadline, a advised having reviewed the draft timetable for the examination of the application. It confirmed it had no comment to make at this stage.

53:01

Further, we are aware of the representation from Dr Boswell concerning the timetable, regarding deadlines, one, two and three, and submission of written representations. Dr Boswell has not registered to speak at this meeting, but we would like to hear from the applicant and any other interested parties regarding Dr Boswell's procedural deadline, a representation in this regard. And I propose to do that towards the end of this agenda item,

53:30

we'd like to say we are conscious of school terms, and there by the school holiday dates and holiday periods in more generally. However, there are many factors that influence the putting together of a timetable, and it's not always possible to accommodate all of them. In formulating the current draft timetable, we've taken all relevant factors that we are aware of into consideration, including school term and holiday periods, especially noting the 20th of december 2024 until the fifth of january 2025 being the holiday period for most schools.

54:05

Our draft timetable, as set out in Annex D to our letter of the 31st of July, has been conscious of these periods, but clearly we may be limited in flexibility due to all influencing factors. However, a key factor that influences the timetable program is our statutory duty to complete the examination within six months of its start.

54:29

I'd invite Anglo Americans to speak, if they would like to on this item, I believe they wish to speak in regard to further understanding the schedule for deadlines for statement of common ground. So

54:45

Ms Knowles, I'll just invite you, because we introduced you earlier on, and would just like to understand what you would like to know regarding the timetables of statements for common ground so that we can ask the applicant to report.

55:00

I

55:02

So Ms Knowles, thank you. Tabitha Knowles, on behalf of Anglo American, only really to say that Anglo American is yet to see sight of certain documents to review, which includes a draft statement of common ground, but also includes draft side agreement, draft heads of terms required for any pipeline options and proposed amendments to the DCO and its protective provisions, which haven't been shared yet. Anglo American does wish to acknowledge that meaningful discussions have, however, started to take place,

55:40

and and is in that respect, is your concern that you don't have time within the timetable to review the statement of common grounds? Or are you comfortable now that that since your your initial

55:55

representation, that things are moving and you're more comfortable with the timetable as presented, we're comfortable with the timetable. It's more so to note that we've yet to see a draft

56:08

so but we are expecting them in due course based on discussions that have been had to date. Thank you very much, Mr. Philpott, can I ask you to

56:19

respond on behalf of the applicant,

56:23

please. Yes, Mr. Philpott Casey, on behalf of the applicant. So as I understand it, Anglo American are comfortable with what is said in the timetable about the state's common ground. So for the purpose of this meeting, there isn't really any issue to address. I don't want to get in too early into the question of when we should be producing drafts of various documents, substantive documents, and unless you'd find it helpful for me to do so, I propose that we can deal with that in the draft statement of first draft statement of Common Ground. If there's any issue, envo can set out their views about it, and we can set out the dates and so on and so forth.

57:02

Thank you very much. Miss Knowles, you comfortable with what Mr. Philpott has just proceeded?

57:11

Yes, yes, we are. Thank you. Okay, thank you very much. So Mr. Presume no further comment on that matter, unless you would like to

57:20

no thank you, sir, thank you.

57:24

So, would any other party other than the applicant like to speak on the draft examination timetable?

57:33

Okay, thank you so I'm just going to turn briefly to the procedural deadline, a representation from Dr Boswell concerning the timetable. In summation, he advises that he's unavailable for the entirety of September and will therefore miss deadline d1 which is the deadline for the submission of written representations. He seeks some leeway in making his written representation submission, but points out the subsequent deadline of deadline two, on the third of October, is also unrealistic for him, as he will have very little time from the time that he is unavailable to meet that deadline. As such, he's requested that he be allowed to make his written representation at deadline three, which is the currently as the 21st of October,

58:20

I'd like to ask Mr. Philpot behalf the applicant if they would like to comment on Dr Boswell's request, as I've just outlined, please.

58:29

Thank you, sir. Harry Philpot Casey, on behalf of the applicant, yes, sir, I would like to make some comments if I may.

58:36

Um, it's important, we would say, to recognize that Dr Boswell's request effectively as two parts, or at least there are two interrelated aspects to it. The first is the request that his written representations would be deferred until deadline three, october 21

58:58

but he's also signaled an intention to appear and make submissions at any issue specific hearing that considers the matter of climate change, and in particular one that occurs a couple of weeks later in early November. Now, there may or may not be issue specific hearing in relation to climate change in early November, but it's important to look at both of those requests together,

59:24

so you and your colleagues may or may not be aware of the nature and extent of Dr Boswell's involvement in the net zero Teesside examination and decision making processes and his subsequent unsuccessful challenge to the Secretary of State's decision to grant a development consent order for that project. He's also been involved in unsuccessful challenges to other nationally significant infrastructure projects on climate change related grounds. Now the reason for raising this is that the.

1:00:00

The nature of Dr Boswell's involvement in the net zero T side process, both during examination and afterwards, had two main elements to it. First was to question need and effectively challenge

government policy, which is inappropriate, but also and the one that's more relevant here is to seek to engage in a very detailed technical challenge

1:00:27

of greenhouse gas emissions. And those are matters that, by their nature, tend to require detailed technical appraisal and response by the applicant consultants, and obviously also careful examination by the examining authority. Now although Dr Boswell's written his relevant representation in this case is exceptionally brief, provide limited information on the principal submissions he intends to make, it is apparent that he does intend to make submissions falling into that latter category at this examination, the nature of them we won't see until we see the written representation, which ought to contain the detail of what he proposes to put forward. The practical point is that if points of that nature and technical appraisal to support them is only revealed in a written representation submitted on 21st of October, there will be no opportunity for the applicant to consider and respond in writing to those ahead of any issues specific hearing that considers that subject in November, which is what Dr Boswell appears to be contemplating, whereas with everybody else's written representations, when you and your colleagues will have the benefit of responses to them, deadline two on the Third of October, the first opportunity the applicant will have to respond in writing to Dr Boswell's written representations won't be until deadline for on the 20th of November. Now that is a matter therefore to be considered in terms of the knock on implications of Dr Boswell's request. Now it's not clear why Dr Boswell couldn't have prepared his written representations during August. His representation was dated 31st of July, and he indicated his vacation was not to use to start until September. But in any event, either his written representation should be provided by a deadline to or if that's not practicable, it won't be possible for there to be an efficient and fair engagement in any detail with the points that He makes at any issue specific hearings in November, and therefore, if his request is to be acceded to, we would suggest that any consideration of greenhouse gas emissions and the points that he makes, if they're going to be dealt with an issue, specific hearing would have to slip into the new year and to the January hearings rather than November. So that would be, we say, the knock on consequence of the extent of the allowance that he's he's seeking. So clearly, it's a matter for you and your colleagues whether or not to

1:03:38

allow him not to provide his written representations at deadline one, but if they're also not going to come in at deadline two, that has knock on points, which we would ask you to consider when looking at the timetable and looking at possible hearings. Thank you, Mr. Philpott, we've noted all of those points. Do you have any concerns on further knock on impacts if, if an issue specific hearing into climate change were to be held in January, do you see any further knock on

1:04:10

issues by holding it then? Or

1:04:15

do you not? Have you not foreseen any further complications from that, Sir Harry, would fill but on behalf of the applicant, clearly, there are potential knock on implications. It's not possible to predict them with certitude at this early stage. But the objective of the structure of an examination of this sort is that written representations are provided early and that the written representations are effectively the

full case. That's not to stop people responding to either to matters raised by the examining authority or other parties as subsequent deadlines. But the later in the process that a party's essential case is revealed, the more likely it.

1:05:00

Is that the matters, any matter, set in train in response to that, whether it's the provision of further data, further assessments, further submissions, tends then to be concentrated towards the end. And if there is, if there are matters of detail, if, let's say that further assessments or sensitivity tests are provided they will tend to come later in the examination. And thus the it's it is entirely possible that if those matters are only considered an issue specific hearing in January, that that might make matters more condensed towards the end and more difficult that would tend, I would suggest, to weigh even further in favor of deadline two being the most appropriate allowance to be made if he's to be given some leeway, because the risk is, obviously, it's not just a concern on behalf of the applicant, but it's for The examination process as a whole, the less time that you and your colleagues and other interested parties have with further information that is put in in response to Dr Boswell, the less efficient and effective the process is. So there is a great deal to be gained by having information earlier rather than later.

1:06:18

Thank you very much, and sorry to just go back on another point you've actually just reminded me, we've talked about a submission at deadline three and the impact of the potential January hearing. Could you just cover what your view is on the impact if that submission were received at deadline two, rather than the current deadline? Well, if the submission is received at deadline two, so that's right at the start of October, there is then an opportunity, a first opportunity, for the applicant to Deadline three, to comment on any submissions received at deadline two, and in the circumstances that would include then an opportunity to provide at least initial comments on whatever Dr Boswell puts in a deadline to that that, of course, would mean that any such response is available in time, or the examining authority to take it into account before any issue specific hearings that are going to be held in the week commencing 11 November, if then there is a need following that for further issue specific hearings covering those matters, it then becomes possible to do two things. One is to cover any matters, any questions the examining authority may have, either for ourselves or Dr Boswell or both second written questions, which come in on the 28th of November, but then also to have an opportunity to consider those responses ahead of any further consideration of those matters in the issue specific hearings in January, whether that's the sixth of January, as indicated in the draft timetable, or if, in response to our request, it goes any later, it a little later in January, but essentially, it allows much greater opportunity for You and your colleagues to consider and probe any such material.

1:08:25

It could also help Dr Boswell in any such hearing, or indeed, generally in the examination, to have early sight of any responses we make to his written representation. So we think that there is an overall benefit for all parties, but particularly for the effectiveness of the examination. If Dr Boswell's submissions were to come in at deadline two, rather than deadline three,

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bearing in mind how long he has had access to all of the material on which he may wish to comment, which is quite specific in terms of his concerns.

1:09:09

Thank you very much. I think that's all the questions I've got of yourself. Mr. Philpott, is there any other IPs that are here that would like to comment on what we've discussed in Mr. And Dr Boswell's request.

1:09:30

Okay, thanks very much. No problem. Okay, so turning back to the applicant, the examiner authority has noted your procedural deadline a request in regard to amendments to our proposed examination timetable as originally set out in our rule six, letter dated the 31st of July, your request merrily relate to the proposed week of hearings that we've just been touching on immediately following the Christmas holiday and the challenges posed by.

1:10:00

Hearings to be held that week, which, for reference, is the week commencing the sixth of January. I'd like to invite you, Mr. Philpott, to outline your requests and concerns, as well as your proposed revisions, including the knock on effects in terms of subsequent deadlines, the issuing of the race if required, and the examining authority's schedule of changes if required. So

1:10:27

Mr. Philpott,

1:10:29

thank you, sir. Harry wood Philpott Casey on behalf of the applicant. So, sir, as you will have seen, we included a suggestion in our written submissions that the January hearings be moved to the week commencing, the 30/13 of January, rather than the sixth, and the reasons are set out in the submissions. But in brief,

1:10:52

it's essentially that meaningful preparation for those hearings will be challenging when they start so soon after the Christmas break, and that that is also affected by the timing of the circulation of the examining authority's detailed agenda. Now that will typically be at least a week before the hearing, and in this case, that would mean the agenda being issued on New Year's Eve or thereabouts. And one of the difficulties that that gives rise to is that it's really only on receipt of the detailed agenda that a lot of the preparation is able to commence, because there's a significant difference between having a general understanding of the subject matter and a detailed understanding of the particular points the examining authority wants to hear about. And clearly, if the detailed agenda is only received on about New Year's Eve, then that compounds the issues of trying to prepare in the during the Christmas holidays.

1:11:57

Of course, if the detailed agenda is issued earlier that may help with that particular point, but it does then mean that the examining authority has to alight upon the detail of what it wishes to consider at the issue specific hearing at a significantly earlier stage, and experience suggests that even with the

detailed agenda issued a week before the hearing, often there are further points which occur to the examining authority, refinement of what is said between issuing of the detailed agenda and the hearing itself, which

1:12:40

make effective preparation more challenging. Now, if the detailed agenda were to be issued too early, the risk is that it becomes stale effectively in the examining authorities thoughts may have moved on to a greater extent. So there is a balance to be struck, and issuing it a week before tends to be the practice reflecting how that balance is most effectively struck. And obviously the purpose of any issue specific hearing under the act is to ensure adequate examination of the issues and to ensure interested parties, including the applicant, have a fair chance to put their case. And neither of those purposes is best served by having hearings at a time when the parties can't

1:13:27

adequately prepare for them, and the knock on effect is that the examining authority is more likely to come away without the information that it needs, with more material having to be put in, either in writing afterwards or deferred to later issues specific hearings. And we would be concerned that if that is the outcome, that would be contrary to the underlying objective of having an issue specific hearing in early January. And clearly, we want to make sure that you get the information you need, and we're

1:14:03

as effective and helpful as we can in responding to those matters which need to be examined in that way. We also have identified some concerns about the effectiveness of publicity, if it's commencing shortly before the Christmas break. So the consequential changes from our alternative suggestion, which we've outlined in our written submissions, are that we think deadline six would then move to the 20th of January. So it would be a knock on effect of a week then the publication of the examining authority's schedule of changes to the draft DCO would move to the 23rd

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deadline seven would then move to the 12th of February. So those, we think are the

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principal changes. But of course.

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That's simply our suggestion, ultimately will be a matter for you and your colleagues as to whether to proceed to the request and also what other consequences might flow from it.

1:15:11

Okay. Thank you very much. Mr. And in the summary of the changes to those deadlines you don't foresee from your point of view and the applicant point you any consequences from moving those, those those deadlines by the time scales you suggested, which is probably pushing everything back a week. So we, we don't ourselves foresee any, but of course, we're alive to the fact that, as you said, you're seeking to drop a whole series of considerations, and if there are particular concerns, obviously

we we're happy to consider any such points. And if we can assist with alternative suggestions, we're happy to do so. But that, but as we, as we see it, knocking everything back by week, broadly speaking, in that way, ought to be problematic, at least from our perspective.

1:16:03

Mr. Philpot, can I? Can I just ask a question about whether or not it is just issue specific hearings during that week you're concerned with, or Does the same apply to any open floor hearing or compulsory acquisition hearing that may be required?

1:16:20

So far as the compulsory acquisition hearings, I'm not aware that Dr Boswell has any land interests or site and so I don't anticipate that he would be affected by that.

1:16:32

My anticipation based on previous experience of Dr Boswell's involvement in the net zero Teesside hearing it hearings and the examination generally, is that he tends to appear at issue specific hearings rather than open floor hearings. But that's a matter for him, and it's the it's the format and objective of the issue specific hearings where the issues that I've outlined become most acute

1:17:03

where you'd be holding the issue specific hearing on the usual basis, where you are probing to get information from both parties, and if that is undermined, then there is a particular problem, whereas an open floor hearing is more An opportunity for people to have their say, as opposed to an opportunity for the examining authority to probe the applicant's position in response to interested parties submissions. And I don't believe that the other item listed for that week, the company site inspection, would be affected by any of Dr Boswell's concerns which are more to do with the as I've said, the calculation and contextualization of greenhouse gas emissions, as opposed to science, I understand that my point was more of a general one related to the hearings that week that You're seeking to push back from the sixth to the

1:18:03

to the 13th, I believe it is.

1:18:07

But it was, it was more generally, whether or not, if the examining authority was seeking to hold other hearings which, which is highly likely, especially bearing in mind your change notification that other hearings, such as compulsory acquisition hearings, etc, would, would they be?

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Would, would you have the would the same effect apply

1:18:33

in regard to compulsory acquisition hearings, for example, if they were to be held during the week commencing the sixth to what you've outlined for specific issues, specific hearings

1:18:45

and the the agenda items becoming stale, for example.

1:18:51

So as a generality, because of the nature of the issues that we would face and the reasons for them, I suspect that other interested parties and affected persons may also have similar issues, and indeed, because of the change application and the timing of that, we think that if the issue specific hearings were to move, it would make sense for the other hearings to move with them.

1:19:19

We believe that that would assist not only ourselves, but also other interested parties, and ultimately, we believe it would give you and your colleagues a more efficient experience of the hearings than if they remain weak, Understood, understood. Thank you. Mr. Simms, thank you, Mr. Butler, and thank you, Mr. Phil, but I think we've we've aired that. I'll just be interested. If

1:19:46

any other interested parties, Ms Knowles or MS Dora, have any comment on that or the timetable at all. I.

1:20:01

Not that I can see that's fine.

1:20:04

Mr. Philpott, is there anything else regarding the timetable that we haven't covered? And I'm going to come on to your procedure deadline, a comments in a minute,

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but I believe that that was your substantive comment on the on the timetable,

1:20:23

it's so yes, indeed, Mr. Philpot, behalf of the applicant. So yes, the only other point which we've already covered then was Dr Boswell, which came after our procedural deadline, a submissions, and we've dealt with that. They did indeed. Thank you very much. So in addition to what we have just discussed, I'd just like to point out the applicant updated the following documents of procedural deadline, a the application guide, the important hedgerows to be removed, the non technical summary of the environmental statement, proposed development of the environmental statement. CHAPTER 11, noise and vibration. Figure five, one, construction asset access and temporary construction compounds. Figure nine, three, Tidal and fluvial flood risk of the environmental statement. Figure 12, four, phase one habitat survey results of the environmental statement. Figure 16, one, landscape context of the environmental statement. Figures 16, 618, 16, 615, 615, a viewpoint for winter photography,

1:21:27

figures, 616, 1b 616, 14 B, summer viewpoint photography. Appendix 11 A, construction, noise levels and assumptions. Appendix 11 C, baseline, sound monitoring, survey information, there was a change notification document and errata report and the land rights tracker, the draft timetable allowed for comments in regard to these documents and the correspondence received and accepted as additional submission by virtue of the procedural decision by deadline one, but did not specifically include a deadline for responses to such submissions made at procedural deadline, a from the applicant as such. We proposed to add a need to respond to the applicant's procedural deadline, a submission in deadline one, and hence reading the list of documents, because it was important to make sure that people realized why we were adding that at deadline one because of the list of documents that we have received,

1:22:31

does the applicant or any interested party wish to make a comment or observation in this regard?

1:22:38

Harrywood, Phil Park Casey, on behalf of the applicant, so thank you for the opportunity, but now I don't have any Okay. Thank you very much.

1:22:48

So we've now completed Agenda Item five, so I'd just like to before we move on to item six, just ask the applicant. Mr. Philpott, if you have any further comments or summaries that you wish to

1:23:05

say before we move on. Thank you, sir, Mr. Gilbert, on behalf of the applicant. No sir, thank you. No further comments. Thank you very much. Okay, so we will consider all the matters we've discussed at length there prior to finalizing the examination table timetable. In our rule later, as I outlined at the beginning of this item. So I've had no further requests to specific speak on this agenda item. As such, I will come to on to deal with the nature and number of hearings if required and accompanied site visits. But does anybody have any general points about the structure of the draft examination timetable I know, I know offered that once

1:23:45

that's fine. Okay, so let's move on to agenda item six, the number and nature of hearings and accompanied site inspections. I intend to start with the number and nature of hearings and then move on to the number and nature of the accompany site inspections.

1:24:02

Whilst this preliminary meeting is being held virtually, subsequent hearings are being proposed to be held in person and as blended events. However, in the unlikely event that this needed to be changed due to any unforeseen circumstances, we will give as much warning as possible to any decisions that are made on this so please do keep an eye on the project page of the national infrastructure website for any announcements in that regard. The deadline for request for an open floor hearing and or a compulsory acquisition hearing is currently deadline one on the 15th of 17th of september 2024,

1:24:38

should other hearings be deemed necessary? Our current draft timetable currently reserves the week commencing 11th of November 2024

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as well as a second round of hearings currently scheduled for the week commencing the sixth of January, of which we have just discussed. However, these weeks are reserved only and if any hearings are considered to be necessary. So.

1:25:00

Again, I've received representation on this matter from Anglo American with its primarily wishing to further understand date and format for any compulsory acquisition hearing and issue, specific hearing in particular regarding the draft development consent order and to the interface with the York potash DCO. To the best of my knowledge, no other interested party made a response at procedural deadline, one specifically relating to the nature and type of hearings or making a request for a an issue specific hearing to be held in regard to a specific subject. We're intending to hold a minimum of

1:25:39

a compulsory acquisition and issue specific hearing in regard to environmental matters and the draft DCO. But I would give this opportunity for interested parties to comment on the nature of any issue specific hearings they feel may also be necessary. So I would ask Miss Knowles, on behalf of Anglo American to give any comments they feel they wish to or observations in relation to this agenda item. And I'll ask at this point if they would like to add anything to their representation concerning this matter made at procedural deadline a So Miss Knowles.

1:26:18

Tabitha Knowles on behalf of Anglo American only to say that

1:26:23

Anglo American will likely wish to participate at both the compulsory acquisition hearing hearings and any issue specific hearings, in particular that relating to the draft DCO and the interface with the York potash DCO. So as part of that, it's just requesting confirmation of dates and format of any any hearings. Thank you. Thank you. Ms Knowles,

1:26:52

anybody else would like any other interested party on here that would like to comment on this item?

1:26:59

Okay? Mr. Philpott on behalf of the applicant. Any comments on this specifically that we haven't covered earlier in this, in this meeting, or in comments to in reply to ms Knowles,

1:27:12

thank you, sir. How would Philpot on behalf of the applicant? No, sir. It comes as no surprise to us to learn that Anglo American would wish to participate in both compulsory acquisition hearings and the

issues specific here on the D DCO, but I've no further comments on that matter. Thank you. So turning to a company site inspections, as already indicated above, the examining authority has already undertaken three unaccompanied site inspections, which were carried out from public land and public footpaths where we observe the majority of the proposed site the pipeline routing and the locations of the above ground installations. Notes of our accompany unaccompanied site inspections were published on the first of July 2024, and can be viewed on the project page of the national infrastructure website as such, I don't propose to read these notes now you'll be glad to hear we also point out that it is possible that we may undertake further unaccompanied site inspections during the examination process. Following these first three unaccompanied site inspections, we have gained a good understanding of the proposed developments, the proposed route and alignments and the proposed abrupt ground installations and locations and their surroundings, but there were parts of the site we could not view particularly well from a public vantage point, and therefore an accompanied site inspection is likely to be required. The purpose of an accompany site inspection is also to continue that familiarization, and no discussion on the merits of the proposed development would be entertained. The applicant has not specifically commented on the unaccompanied site inspections and is requested provided draft itinerary for the accompanied site inspections at deadline one

1:29:01

the draft time examination timetable included deadline, one for comments on the accompanied site inspection location suggested by interested parties at procedural deadline, a and interested parties making representations in regard to this matter or making alternative suggestions for the locations of the accompany site visits, they're asking, we're asked to take into account the notes of the unaccompanied site inspection first, before putting suggestions in writing to the the examining authority and in explanation, an explanation why unaccompanied site inspection from a specific location is required.

1:29:38

In addition, Anglo American and Savic UK petrochemicals, limited made representations on potential accompanied site inspection locations. These will all be given consideration by the examining authority prior to these locations of the inspection being confirmed. However, we would invite interested parties who have registered to speak at this.

1:30:00

PM,

1:30:01

if they would like to speak on this item. So Ms Knowles, do you have anything further from Anglo American in addition to what you've already given us in the procedural deadline a in terms of accompanied site inspections?

1:30:14

Tabitha Knowles, on behalf of Anglo American, and no nothing further than the list that we've provided you already. Thank you. Thank you. And I know we don't have Savic UK petrochemicals here, but is any other interested party that's here wishing to speak on this?

1:30:34

No. Thank you very much. So Mr. Philpott, is there anything that you would like to respond to on behalf of the applicant,

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Sir Harry wood, Phil but on behalf of the applicant, not at this stage. So we, of course, will take account of and consider all the suggested locations to be included on the itinerary, and we'll provide a draft of that and any comments on

1:30:58

suggested locations that deadline one has been asked. Thank you very much. That's very kind.

1:31:05

So just in summary, you will have heard in the discussions in the preceding agenda, items concerning the dates of any accompany site inspections and the matters raised will be considered by the examining authority. However, the draft examination timetable potentially programs the accompanied site inspection, if required for the week commencing the 11th of November 2024

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however, due to issues related to securing the venue for that week, the original intended date and time for the accompanied site inspection, which was to be the morning of the Thursday the 14th of November, is likely to Move to the morning of Tuesday the 12th of November. So it's just a bit of information that we can give at the moment, while whilst as bit of a forewarning. So Tuesday the 12th of November in the morning is the likely accompanied site inspection dates that we are considering at the moment. But regardless of whichever date is finally set with the examination timetable. If interested parties wish to attend an accompany site inspection, they should put such a request in writing by deadline two, which is currently Thursday, the second of October. However, please note that if an accompany site inspection takes place on private land, access to that land for any interested party is at the discretion of the landowner and the examining authority is not able to guarantee entry or rights of entry to those interested parties. So

1:32:31

is there any further comments or questions in relation to the site inspections before we move to the next agenda item?

1:32:41

Okay? Thank you very much. So moving on to item seven, regarding remaining questions or submissions regarding other procedural matters, I'm going to be passing back to miss Bennett Matthews, so thank you.

1:32:56

Thank you. Are there any remaining questions or submissions regarding procedural matters not set out in the agenda that have been submitted to the planning respect Inspectorate in writing in advance of the preliminary meeting.

1:33:12

Can I turn to the applicant? Mr. Philpott, for any response, please. Thank you, Madam of the applicant, we don't have any further issues. If you don't, if you have no further questions, there are no other matters we wish to raise on procedural matters. Okay? Thank you very much. Can I turn now to the interested parties,

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whether they have any comments or responses? I

1:33:43

Right? I take that there's no comments and responses from the interested parties.

1:33:49

Finally, I want to take the opportunity to highlight

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ensuring that the information is submitted in accordance with the step deadlines, whilst the examination authority does have the ability to accept late submissions into the examination. This is at our discretion, and should only be exceptional circumstances, as late submissions restrict the ability of other parties involved in the examination to respond to the information and could therefore jeopardize the examination timetable.

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It is important for you to know that if you do submit something late, there is always a possibility that it may not be accepted into the examination.

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We would like to thank you for your comments, as you will have all been aware, we will not be agreeing to anything today, but we, but we will

1:34:44

be considering your requests and suggestions when we finalize the timetable. Inaugural eight letter, moving to moving on to Agenda Item eight. I'll pass you on to Mr. Butler, who is covering the next agenda item. Thank you. Okay.

1:35:00

So, so the next agenda item is any other business prior to

1:35:06

publishing the draft time. Draft time level for this preliminary meeting, the examining authority was aware of the potential change request submission. However, formal submission has not transpired prior to the meeting, and a formal change request is not likely to be submitted by the applicant until 16 October 2024,

1:35:27

irrespective of the above, the applicant, in its procedural deadline a submissions has submitted a document entitled change notification, which was document PDA, 019, which has informed the examining authority of their intent to make such a request, and which provides some detail, albeit limited at this time of the request, of the proposed change requests, likely, whilst we do not intend to pursue this aspect of the agenda item further at this time, we wanted to draw interested parties attention to the applicant's change notification document, PDA, 019,

1:36:04

and stress that if such change request is formally made, there will be an opportunity to make relevant representations in relation to those change requests, as well as written representations. Furthermore, there will be an opportunity to make oral representations on such change requests at hearings to be held in January 2025,

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providing those hearing dates are required.

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Does anybody want to speak on the change notification we've just made you aware of

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I'm not getting any response, so I'm going to move on. We have no other matters to raise, so this is your final opportunity to say today, anything you think is pertinent to this preliminary meeting.

1:36:56

Again, I'm getting no indication, so I'm going to move on to the next agenda item, which is the close of the hearing. We have completed the business of the preliminary meeting, and trust that you are all satisfied with the agenda that has been covered today. We believe that an opportunity for all those who notified us of their desire to speak has been provided a note of the meeting, and the digital recording will be added to the project page of the planning inspectorates, national infrastructure website, as soon as possible after this meeting. Thank you all for your contributions and your patience throughout the meeting, and especially adapting to a virtual format. The examination will commence following the close of this preliminary meeting for maximum periods of six months, starting the day after the close of the preliminary meeting. And we look forward to receiving your deadline one submissions, I would also say that the reserve time for this preliminary meeting, which was this afternoon, is no longer required and canceled, and we will be holding the issue specific hearing that we've already notified 12 at 2pm I

1:38:04

thank you very much for all your involvement. There's nothing further for me to say. So I am now closing this preliminary meeting. Thank you very much.

1:38:16

Applause.