

**Application by H2 Teesside Limited for an Order Granting Development Consent for the H2Teesside Project****Agenda for Compulsory Acquisition Hearing (CAH):**

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Compulsory Acquisition Hearing 1 (CAH1)</b>  Compulsory Acquisition, Temporary Possession and Related Matters	<b>Wednesday 13 November 2024</b>  <b>Hearing Starts at 9.30am*</b>  Registration and seating available from: 9.00am and virtual Registration Process from: 9:00am**	<b>Leonardo Hotel, Fry Street, Middlesbrough. TS1 1JH</b>  and  By virtual means using Microsoft Teams

**For clarification, this agenda differs from that published on 15 October 2024 only in the addition of three sub items in agenda item 6. All other text remains unchanged.**

\* Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

\*\* If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

**Purpose of the CAH1**

CAH1 is being held for the ExA to examine the Applicants case for Compulsory Acquisition (CA) and Temporary Possession (TP) and for APs, who have registered to speak, and the Applicant to make oral representations about those matters. Please note that the ExA will not accept representations at CAH1 in the form of video or audio recordings.

The Hearing will be a blended event, whereby the principal means of conducting the Hearing will be face-to-face within the venue cited above. Participants may join online if they wish using the Microsoft Teams platform. As set out in the Examination timetable, contained in the ExA's Rule 8 letter of the 30 August 2024, notification of a wish to speak at a Compulsory Acquisition Hearing was required by Deadline 1 (Tuesday 17 September 2024). However, should you wish to observe this CAH1 this can be done in person at the venue given above or virtually.

Should you wish to observe virtually in real time, then you will be able to access a public livestream on the [project webpage](#) of the National Infrastructure Planning website. For those who choose to observe CAH1 later, after the Event has closed, a digital recording of the event will be made available as soon as reasonably possible. This will also be published on the [project webpage](#) of the National Infrastructure Planning website. Any APs/ IPs wishing to respond to any matters raised from observing CAH1 (real time or otherwise) should do so in writing by Deadline 4 (Wednesday 20 November 2024).

## **Agenda and Participation at the CAH1**

This preliminary agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Subject to the ExA's power of control over the conduct of the CAH1, it will invite relevant parties to make an oral submission at the appropriate point in the agenda. Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of these issues take less time than anticipated, the ExA may conclude the CAH1 as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an AP has had a fair chance to put its case.

Further information on how to participate in a Nationally Significant Infrastructure Event can be found using the following link: [Registering to speak at, or attend, a Nationally Significant Infrastructure Project event](#).

**Attendees:** APs who have pre-registered.

In addition to the Applicant, the following APs/ IPs are invited to participate by the ExA to make an oral submission concerning CA/ TP:

- Air Products (Air Products Public Limited Company (Plc); Air Products (BR) Limited (Ltd); Air Products Renewable Energy Ltd; and Air Products Chemicals Teesside Ltd);

- Anglo American;
- BOC Ltd;
- CATS North Sea Ltd/ Kellas Midstream Ltd;
- CF Fertilisers UK Ltd;
- Hartlepool Borough Council;
- Industrial Chemicals Ltd;
- INEOS Nitriles (UK) Ltd;
- Lighthouse Green Fuels Ltd;
- National Grid Electricity Transmission Plc;
- National Gas Transmission Plc;
- Natara Global Ltd;
- Navigator Terminals Ltd;
- Northern Powergrid Plc;
- Northumbrian Water Ltd;
- NSMP Entities (Northern Gas Processing Ltd/ Teesside Gas Processing Plant Ltd/ Teesside Gas and Liquids Processing);
- PD Teesport Ltd;
- Mrs S. Peel;
- Redcar Bulk Terminal Ltd;
- Redcar and Cleveland Borough Council;
- SABIC UK Petrochemicals Ltd;
- Sembcorp Utilities (UK) Ltd;
- South Tees Group;
- Stockton-on-Tees Borough Council; and
- Venator Materials Ltd.

Irrespective of the above list, all APs/ IPs are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the Hearing.

The ExA has sought to provide sufficient detail to assist APs/ IPs to prepare for CAH1. The details set out above are indicative and the ExA may find it necessary to amend the agenda by including additional agenda items; amending agenda items, including the order in which items are dealt with; or excluding agenda items.

Please Note: In order to ensure timely publication of this preliminary agenda, it was drafted shortly after the receipt of submissions for Deadline 2 (Thursday 3 October 2024). Consequently, the ExA may need to adjust this preliminary agenda in a more detailed agenda to be published no later than 5 days prior to CAH1 taking place or at the meeting to allow for responses or additional submissions received after Deadline 2.

## **Timing**

The Event will be open 30 minutes prior to the start of CAH1 to enable a prompt start. The ExA will keep to the agenda as much as possible and CAH1 will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. However, anyone who is not able to provide all their oral submissions

by the close of the hearing should follow it up in writing prior to the next Deadline, which will be Deadline 4 (Wednesday 20 November 2024). CAH1 is not expected to go beyond 5pm.

If you are joining online as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

## Registration Process

APs/ IPs who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at **9.30am** those attending virtually should join promptly at **9.00am** to ensure that all virtual attendees can complete the Registration Process in good time.

Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

## Agenda items

1	<p><b>Welcome, introductions, arrangements for the Hearing.</b></p> <p>The Examining Authority (ExA) will welcome participants, lead introductions, and go through some housekeeping matters.</p> <p>The public livestream and recording will start.</p>
2	<p><b>Purpose of the CA Hearing.</b></p> <p>The ExA will briefly set out the purpose of the Hearing.</p>
3	<p><b>The Applicant's Case for CA and TP</b></p>
3(i)	<p>The ExA will invite the Applicant to take up to 20 minutes to provide an overview of:</p> <ul style="list-style-type: none"> <li>• its overall approach to CA and TP in the context of the relevant tests under the Planning Act 2008 and DCLG Guidance (<i>Planning Act 2008, Guidance related to procedures for the CA of land, DCLG, September 2013</i>).</li> <li>• the purpose, structure and content of the Book of Reference (BoR), the Statement of Reasons (SoR) and the Funding Statement.</li> <li>• the powers sought and the overall case for them being granted.</li> </ul>
3(ii)	<p>The ExA may ask further questions.</p>

<p>4</p> <p>4(i)</p> <p>4(ii)</p> <p>4(iii)</p>	<p><b>Individual objections, issues and voluntary agreements</b></p> <p>The Applicant will be asked to provide a brief update on the progress of negotiations into CA and TP of land and rights, and deadlines for conclusions of any associated voluntary agreements, especially those listed in the attendees section above.</p> <p>Each Affected Party registered to speak will be asked to provide a summary of:</p> <ul style="list-style-type: none"> <li>• the location and manner of land interest and/ or list plot numbers;</li> <li>• it's objections/ concerns regarding CA/ TP; and</li> <li>• any outstanding matter(s) related to CA/ TP that haven't already been discussed.</li> </ul> <p>The ExA may ask more questions or invite more oral submissions.</p>
<p>5</p> <p>5(i)</p>	<p><b>The BoR, SoR, Land Plans, Diligent Enquiries and Updates</b></p> <p>The Applicant provided an updated Land Rights Tracker [<a href="#">REP2-018</a>] at Deadline 2, setting out progress on discussions regarding CA and TP, voluntary agreements, objections, protective provisions and other matters related to Land. The Applicant will be asked to:</p> <ul style="list-style-type: none"> <li>• Summarise any additional information not covered in agenda items 3 and 4 relating to the progress made during the Examination and the progress anticipated during the remainder of the Examination.</li> <li>• Set out where it has not been able to progress discussions with known parties and what steps will be taken during the Examination to progress such discussions?</li> <li>• Summarise the steps to be taken to identify any unknown parties or interests during the Examination? (The Applicant's response to the ExQ1 - Q1.6.6 [<a href="#">REP2-024</a>] is noted. However, the Applicant will be asked to provide any further update in this regard).</li> <li>• Clarify what steps have been taken/ will be taken to firmly establish the ownership, lessee/ tenant or occupiers of those properties for which "reputed" parties have been identified. (The BoR [<a href="#">REP1-004</a>] refers to "Freehold or Reputed Freehold Owner[s]", "Lessees or Tenants or Reputed Lessees or Tenants" and "Occupiers or Reputed Occupiers, but does not differentiate between these terms within the BoR).</li> </ul> <p>The ExA may ask more questions or invite more oral submissions.</p>
<p>6</p> <p>6(i)</p>	<p><b>How it is Intended to Use the Land, Whether Reasonable Alternatives have been Explored and Whether the Rights Sought are Legitimate, Proportionate and Necessary</b></p> <p>Design principles and progress were the subject of ISH1 and submissions have been made at DL2 in the light of this Hearing. The Applicant has</p>

	<p>advised that most design details are yet to be finalised for the Proposed Development and these will not be finalised until the detailed design is produced post-consent. The ExA needs to be clear that the rights granted by the Development Consent Order are legitimate, proportionate, and necessary. Bearing this in mind, what is the potential for a reduction in the land and rights proposed to be acquired occurring during detailed design and what liaison with affected parties will take place in that event.</p> <p>6(ii) The dDCO gives the Applicant the power to extinguish all rights within the Order limits for land coloured blue on the Land Plans. Building on the response to ExQ 1.6.9, please can the Applicant explain the process that will be seen between now and the completion of construction and into maintenance to ensure only the required amount of land is used and the operational activities of IPs will be maintained. Please also explain in what circumstances this would not be possible to maintain the operational activities of others.</p> <p>6(iii) The Applicant to explain the assessment of alternatives for construction compound locations and if consultation with relevant IPs has been concluded and agreed.</p> <p>6(iv) In ExQ 1.6.62 the Applicant was asked about severance and sterilisation of land. Please can the Applicant update the ExA on progress regarding the plots they highlight in their reply to this question. STG in their DL3 submission suggest that their interests may be sterilised. Please can the Applicant explain whether in reply to Q1.6.62 they have considered severance of interests.</p> <p>6(v) Please could the Applicant comment on the need for a process to consider human rights to be secured during detailed design? If an appropriate process is not secured, how can the ExA be satisfied that the rights granted by the Development Consent Order would be legitimate, proportionate, and necessary?</p> <p>6(vi) The ExA may ask more questions or invite more oral submissions.</p>
<p>7</p> <p>7(i)</p>	<p><b>Crown Interests, Statutory Undertakers, Special Category Land, Compensation, Funding and Other Matters</b></p> <p>The Applicant will be asked to summarise any outstanding land and rights matters and matters relating to Protective Provisions for Statutory Undertakers if not previously discussed, especially:</p> <ul style="list-style-type: none"> <li>• CATS North Sea Ltd/ Kellas Midstream Ltd;</li> <li>• National Grid Electricity Transmission Plc;</li> <li>• National Gas Transmissions Plc;</li> <li>• Network Rail Infrastructure Ltd;</li> <li>• Northern Electric Plc;</li> <li>• Northern Gas Networks Ltd;</li> </ul>

	<ul style="list-style-type: none"> <li>• Northern Powergrid Plc;</li> <li>• Northumbrian Water Ltd;</li> <li>• OpenReach Ltd;</li> <li>• Vodafone Ltd; and</li> <li>• PD Teesport;</li> </ul> <p>Any Statutory Undertaker or other relevant body in attendance and wishing to speak in relation to an objection or issue raised that is relevant to the effects of the Proposed Development on its undertaking, apparatus or land will be invited to put oral submissions to the ExA.</p>
7(ii)	The Applicant's response to ExQ1 - Q1.6.38 <a href="#">[REP2-024]</a> in terms of Crown Interests is noted. However, the ExA will request an oral update in regard to Crown Interests.
7(iii)	<p>If Section 135 consent from the Crown is not received by the end of the Examination, please clarify how the project could proceed if Crown land has to be removed from the Order land.</p> <p>The ExA may ask other Questions or invite additional oral submissions re Special Category Land</p>
8	<b>Any other CA or TP Matters/ Any Other Business</b>
8(i)	Any further potential change request(s) – Without discussing the existing notification of potential change request, received on 15 August 2024, can the Applicant advise on any additional potential change request that it may be considering.
8(ii)	Time permitting, and at its discretion, the ExA may invite other oral submissions concerning any other CA or TP matters or in regard to any other business relevant to the CAH1.
9	<b>Close of the Hearing</b>