



Hearing Transcript

Project:	H2 Teesside
Hearing:	Recording of Compulsory Acquisition Hearing 2 (CAH2) - Part 1
Date:	13 January 2025

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00:04

I would like to welcome you all to this our second compulsory acquisition hearing. Thank you for joining us, and welcome to all those who may be watching on the live stream before the examining authority introduced itself, there's a few preliminary matters that I need to deal with. Can I ask the case team to confirm that you can hear me and that the live streaming and the meeting recording has commenced? Please? Yes, we can hear you and has comments, good. Thank you. Could I also ask that all domain notifications for electronic devices, including mobile phones, be switched off or at least put onto silent please. I would also ask you to keep your cameras to switch switched off and microphones switch to mute unless you are actually speaking. This helps to reduce the noise and assist with broad bandwidth. Additionally, I'd advise that no requests have been made for any special measures or arrangements to enable participation in this hearing today, but I would just like to confirm that is correct. Does anybody need any special measures or arrangements? Getting no indication. So I'm going to move on. Thank you very much. Having resolved these preliminary matters, I'm going to proceed. I would like to introduce, I'm sorry, correction, I will make this introduction as brief as possible. But for those that you haven't previously attended a hearing for this project, I am Christopher Butler. I am a chartered member of the royal Town Planning Institute, and I have academic qualifications in Town and Country Planning. I am the lead panel member for this examination, for the examination of this application, along with my colleagues, Matthew Sims and Sharon Bennett Matthews, we were appointed on the 22nd of May 2024, under Section 65 of the Planning Act, 2008 under the delegation from the Secretary of State. And we constitute the examining authority for this application, we will be reporting to the sector of state for energy security net zero with a recommendation as to whether the development consent order should be made. And I'm going to briefly ask my colleagues to introduce themselves. Mr. Simms, good

02:16

morning everyone. I'm Matthew Sims I'm a chartered civil engineer and a member of the Institution of Civil Engineers, and I'll be leading us through most of today's hearing.

02:26

And Miss Bennet Matthews,

02:27

please Good morning. I am Sharon Bennett Matthews, I'm a qualified solicitor of the day for today's hearing, I will be supporting my fellow panel members. Thank you. We have

02:38

all made a declaration of interest responding to the planning inspectorates. Conflict of Interest. Conflict of interest policy, and can confirm that we have no declarable interest in relation to this appointment. In addition to the examining authority, the planning inspectorate, have our case manager, Libby Lily Robbins, with us, and our case officer, Ramiel Bernie, who will be providing support for today's event. We also have technicians from production, 78 in attendance virtually. This is solely for the purposes of managing the recording and the live streaming of the virtual meeting. Other colleagues from the planning spectrum may also join this meeting as observers, only as part of this planning inspectorates commitment to continuing professional development. This hearing is taking place virtually online, but the format, context and procedures will be very similar to face to face meetings that you would have attended that you've previously attended. I would just like to cover some practicalities and notifications regarding holding this event virtually. Once we've introduced an agenda item, we will invite people to speak at the relevant time, please wait until you're invited before you start to speak. Each time you speak, please introduce yourself by name and organization. If anyone is admitted late or experiences technical issues which prevent them from speaking, the case team will inform us, and we will do our best to ensure that they are heard before the close of the meeting. The meeting is being held on the Microsoft Teams platform, but the chat function is not in use, so please don't use it. If an active participant wishes to make an unscheduled contribution, they can use the hand up function, though, please be aware that there can be a time delay before we come to you, we will then invite you to make your point at an appropriate moment in the proceedings. I must make clear that the digital recordings of the hearings will be retained and published in line with the planning inspectorates guidance, and they form a public record that can contain personal information and to which the general data protection regulations apply if you prefer not to have your image recorded, you can keep your camera switched off and only turn the microphone on to speak. It is very unlikely that we will ask you to put personal information into the public domain and ask that you try not to add information to the public record that you wish to be kept private and confidential. On. Please bear in mind that the only official recording of the proceedings is the digital recording that will be placed on the project page of the national infrastructure, website, tweets, blogs or other similar communications arising out of this meeting will not be accepted as evidence, if for a medical reason or another reason, anyone requires a break at a specific time. Could you please let the case team know, and we will hopefully be able to adjust the program accordingly. If you leave the meeting during a break or lose connection, you can rejoin us using the same link provided in your invitation email. If you are watching the live stream, then you will need to refresh your browser to resume each session. The case team will explain to do if you lose connection, or we are able to adjourn for short periods of time if an interested party experiences more significant connection problems. Should you wish? Should you experience any problems with the live streaming? A digital recording of the event will be published on the national infrastructure website as soon as practical, practically possible after the event. Finally, we ask that you be courteous at all times and do not interrupt others. We would remind everyone that an award of costs can be applied for and made against a person who is behaving unreasonably, and that repeated interruptions or disturbance of this meeting after the first warning or a request to stop, in principle, will be deemed to be unreasonable behavior. Does anyone have any questions about the terms on which the digital recording is being made? I'm getting no indication. So I'm going to move on. I'm going to turn to introduction of attendees here today. When I read out the name of the party. Can the members of that team please introduce yourselves and advise how you wish to be addressed? Can I start with introductions from the applicant? Please,

06:51

Good morning, sir. Can you hear me? Yes. Thank you. My name is Harry wood. Phil Park kings Council. I appear together with Miss Isabella TAFE of Council. We're instructed by Prince and masons on behalf of the applicants, h 2t side limited. I'm also expecting to invite the following individuals to speak at appropriate points in the agenda. Miss Georgina Hurley, who's a senior surveyor at dalcor McLaren, and Mr. Elna Ibrahim Saadi, who's a senior project engineer at BP.

07:26

Okay, thank you very much. I'm now going to ask interested parties and affected persons registered that wish to speak to introduce themselves. I'm going to do that in alphabetical order, so I'm going to start with Anglo American. Please.

07:43

Good morning. I'm Juliet Clark, evident International. LLP, and I'm acting for Anglo American in this matter. Thank

07:52

you very much. Mrs. Clark, can I move on in that case to BOC limited? Please. Applause.

08:03

Good morning. My name is Emily Tetley Jones at field Fisher, LLP, we are acting for BOC limited and natara global limited, and we may be referring to MS, Sarah giddy at Baker rose consulting. Thank

08:21

you. Thank you, Miss Gilly, did you want to say anything? Or you're happy with Emily's

08:26

introducing me? That's fine. I'd represent BOC and the Tara. Thank you.

08:30

Okay. Thank you very much. Thank you. Can I move on, in that case, to CF fertilizers, UK Limited, please.

08:40

Good morning. My name is Mr. Peter Nesbit. I'm a partner at evershed Sutherland, and I'm here today representing PDT sport limited. CF fertilizers, UK Limited. Navigator terminals, limited, semcog utilities, UK Limited and INEOS, nitriles, UK

08:59

Limited. Okay. Thank you, Mr. Nisbet, I might ask you to introduce yourself again, but if I do, I do apologize. It's just I have a list to go through and and I haven't linked your group of people together, so of course, I apologize if I do that. So you said trials, I'll move straight on to lighthouse. Green fuels, limited. Then please

09:24

Good morning. My name is Sophie Reese, senior associate at broad fields, UK, LLP, and I'll be appearing for Lighthouse greenfields limited,

09:33

okay, thank you very much, Mrs. Reese, or miss Reese natara, global limited. I think that was Mr. Nesbit again, good morning. My name is Christopher Stanwell. I'm acting for the Tara global limited. Okay, alright. Thank you very much, Mr. Stanwell.

09:55

Then in that case, can I move on to national gas transmission? Do. PLC, please

10:05

Good morning, sir. My name is Caroline Daly of Council. I'm acting on behalf of national gas transmission. I'm acting alongside Ellie Mae Craddock, a surveyor from Fisher German and Darren Thomas, the head of integrity at national gas also present today are Abigail Walters of bclp and Haley Steele and Sir tinger Bissel of national gas transmission. But it's not intended that those three individuals speak Okay.

10:32

Very much. Fine. Thank you very much. Miss Daly, can I go on to national grid electricity transmissions? PLC? Please

10:44

Good morning, sir. My name is Daisy noble of Council. I'm instructed by bclp on behalf of national grid electricity transmission. There are various other people in the room with me. I don't propose to introduce all of them. To the extent that I invite individuals to speak, I'll ask them to introduce themselves at an appropriate time, if that is okay,

11:03

yeah, that's perfectly fine. And and welcome in that case, I think Mr. Nisbet said he was covering navigator terminals limited. Is that correct? Mr. Nisbet, that's correct, sir. Okay, and you're also doing PDT sport, aren't you? And successful utilities, right? Okay, fine, that's correct. In that case, I'm going to move on to red car and Cleveland Borough Council. Please,

11:30

Good morning, sir. Adrian Miller, head of Planning and Development at Red Car King and Borough Council. We have no specific representations on UGen to today, but here to support the examining authority with any issues that arise. Okay,

11:45

thank you very much. Mr. Miller, in that case, I'm going to move on to red car bulk terminals. Limited please. Good

11:53

morning, sir. Tom Barton of Mishcon der for red car bulk terminal. RBT,

11:58

thank you very much, and welcome. Can I move on to SABIC, UK, petrochemicals, limited please.

12:07

Thank you, sir. Good morning. My name is Stephen DAG. I'm a legal director with Womble bond Dickinson, UK, LLP, and I'm representing the three Savic companies today. I'm joined by members of the legal and operations team from SABIC, but I would just propose I introduce them if and when they're required to speak, I'm attending to addressing one item for the agenda today. So thank you. That's

12:29

fine. Mr. Dag. Thank you very much. Can I ask South tees group please to introduce themselves? Good morning, sir. My name is Tom Henderson, a partner at Broadfield. LLP, representing South tees group. SDG, yes. Welcome Mr. Henderson, thank you for joining us and then Stockton on tees Borough Council.

12:56

Good morning. I'm Elaine Atkinson, principal Planning Officer for Stockton Borough Council. I'll now pass over to Dave askew, sorry,

13:10

I was admitted. Yeah, also Dave asking Stockton Borough Council,

13:15

and then, just from our, my side, sir Jacob Mort from the valuation and property team at Stockton Borough Council.

13:24

Welcome Mr. Moat, right. Thank you very much. And then finally, I have mission, the mission to seafarers. Do we have anybody from the mission to seafarers with us today? Please?

13:35

Yes, that's me. Nick rager. I'm a Regional Operations Manager for the charity. I'm here really just as an interested party, just to hear what's being said and to get a greater understanding of how it may affect us going forward.

13:48

Okay, you're welcome. Mr. Craigo, thank you very much for attending. Have I missed anyone who is in attendance that wishes to introduce themselves? I'm getting no hands. So I'm going to move on. We have allowed a full day today for this hearing, and we aim to close no later than 5pm we'll take a short

break about 20 minutes at approximately 1130 and a break for lunch between 1pm and 1:45pm we've scheduled a further 15 minute break for the afternoon, which is approximately 3:15pm once the business is listed on the agenda is concluded, the hearing will close, turning to today's compulsory acquisition and hearing itself. We're conducting this meeting in accordance with sections 92 and 94 of the Planning Act, 2008 and the infrastructure planning examination procedure rules, 2010 specifically rule 14 related to procedures at hearings. We're also holding this meeting pursuant to Article 15 of the infrastructure planning compulsory acquisition regulations. 2010 today's hearing is explicitly on the proposed compulsory. Position powers, and we will not be taking any other submissions or evidence on any other aspect of the project proposed development today. We have hearings scheduled for the rest, for tomorrow and Wednesday to do other aspects of those matters. I would remind you all that the Planning Act 2008 allows the examining authority to refuse representations to be made if they consider that the representations are irrelevant, vexatious or frivolous relate to the merits of policy set out in a national policy statement, repeat other representations already made in any form by any person, or relate to the compensation of compulsory for compulsory acquisition of land or for an interest in or over rights in over that land. An updated agenda for this hearing was published on the planning spectra. It's national infrastructure project web page on six, January 2025, this is for guidance, and we may add other issues as we move forward. It is not intended to discuss all matters related to compulsory acquisition today, many matters have been pursued through written questions, and of course, during the first compulsory acquisition hearing held on the 13th of November 2024 all affected persons have been notified of this compulsory acquisition hearing and have a right to be heard other than those already introduced. No other affected persons have registered to take part, but they may be watching the live streaming or listening to the digital recording. If at any point you feel you cannot answer a question fully, or require time to get information request the information requested, then rather than give a restricted or potentially incorrect answer. Can we please ask you to indicate that you need to respond in writing? We can then defer the response to a sub to be submitted at deadline six, A, which is the 22nd of January, 2025 and that will then allow responses to those, those, those submissions to be made at deadline seven, which is the sixth of February, 2025 the hearing is being held so that the examining authority, and ultimately, the Secretary of State, can test the applicant's contention in the context of the applicable legislation, policy and guidance. As we consider the request for compulsory acquisition, we will take into account not only what we've heard today, but all other relevant associated information in other application, documentation, oral submissions and written representations. The main purpose of today's hearing is to continue to examine the application for compulsory acquisition of rights in the context of powers provided by the Planning Act 2008 The purpose was set out in detail in our first compulsory acquisition hearing in November last year. And I will not repeat that in full, but in summary, we need to test and advise the sector of state on whether the land and rights that are sought are required to build or facilitate the proposed development or relate to necessary replacement land, and whether there is a compelling case in the public interest for land or rights to be acquired compulsorily, and that what is actually sought is legitimate, necessary, reasonable and proportionate. The examining authority is mindful of the advice set out in the government's 2013 publication Planning Act 2008 guidance related to the procedures for compulsory acquisition of land, our decision will also be guided by the relevant human rights legislation, and ultimately, our consideration and recommendation will take great care to weigh any interference with Human rights against the public interest associated with the benefits of the proposed development and ensure that any interference is considered both necessary and proportionate. It is for the applicant to demonstrate that all the proposed compulsory acquisition

powers that etc seeking are justified within this framework, that all reasonable alternatives to compulsory acquisition have been explored, and that there is no that there is sorry question, and that there is reasonable prospect of it having the funds available to implement the compulsory acquisition of the land and rights that may ultimately be granted the applicant, sorry, the application for compulsory acquisition rights is tested on its own merits, and whatever the exec the examining authority's ultimate recommendation to the Secretary of State, it is possible that he or she could grant development consent, but not some or any of the powers requested related to compulsory acquisition for the purpose of this hearing, we assume that You are familiar with the legislative policy and guidance framework and with the process the examining authority and the Secretary of State will go through. You will also be aware that the examining authority cannot take evidence on the quantum of compensation that may be sought or awarded to an individual, affected person, um. Or to the application of the compensation code, as this is strictly outside the scope of its terms of reference. Lastly, may I request that the applicant and any interested parties or affected persons making oral representations today submit a summary of their oral submissions in writing by deadline six A on the 22nd of January 2025 allowing a response to these at deadline seven of the sixth of February, 2025 any interested parties or affected persons who may be watching the live streaming or listening to the digital recording may make comments on any of the oral representations made to date in writing, should they wish to do so by the same deadline before we move on to deal with the items detailed in the agenda. Are there any questions at this stage about the procedural side of today's hearing or the agenda? Getting no indications, no hands up. So turning to item number three, I'm handing over to Mr. Sims, who is taking a support on this matter.

21:06

Thank you, Mr. Butler. So welcome everybody, as Mr. Butler has said, and Happy New Year to you all. I'm going to get straight on to the agenda. So I'm now going to invite the applicant to provide an update in the light of the accepted change request to its case for the compulsory acquisition and temporary procession, an update regarding its overall approach in the context of the relevant tests under the Planning Act, 2008 and relevant guidance, the purpose of structure and content of the book of reference, the statement of reasons and the funding statement and the power sort and the overall case for them being granted, including confirmation that the application still accords with Section 1232, of the Planning Act, 2008 and whether and how the purposes for which The compulsory acquisition powers are sought comply with Section 122 of the Planning Act 2008 so I'm going to hand over to the applicant now, and I'm guessing that will be Mr. Philpott,

22:14

yes, good morning. Good morning. On behalf of the applicant, sir, I'll begin my presentation, if I may, and then if you have any questions at the end, I'll happy to deal with those. You'll recall, at the first compulsory acquisition hearing, I explained the applicant's overall approach to compulsory acquisition and temporary possession in the context of the relevant tests and sections 122, and 123, of the Planning Act and the dclg guidance related to the procedures of compulsory acquisition of land, which we then summarized in our written summary of those submissions, which is rep for zero 15. And as I explained on that occasion, the statement of reasons, which is a PP zero 24 describes the need for the compulsory acquisition of land and rights, the extinguishment and suspension of rights and the temporary possession of land that should be read together with a schedule of negotiations of powers

sought, which is a P, P zero, 26 which explains why each plot of land within the order limits is required, and the statement of reasons explains the powers sought, The justification for the exercise of those powers, and overall, why it's necessary, proportionate and justifiable to those powers, and why there's a compelling case in the public interest of the applicant to be granted those powers. Now in its change request, the applicant proposed a total of 14 changes which fall into four categories as summarized in the change request, cover letter, CR, one zero, 43 and the report, CR, one zero, 44 so category A were changes associated with engineering and design development. Category B, changes related to changes to the construction approach. Category C related to reductions in the order limits for changes to a to 2f and associated powers of affected parties. And then Category D, which involved a single change, change eight, that resulted in an increase in the order limits and therefore engaged to compulsory acquisition regulations. The overall net effect of the changes is to reduce the potential impacts of the development and the extent of land subject to compulsory acquisition and temporary possession by removing approximately 99 hectares of land from the order limits, and including just 1.8 hectares of additional land, which is proposed to be subject to the acquisition of permanent rights, giving a net reduction of something in the order of 97 hectares and the overall net reduction in the. Bent of compulsory acquisition and temporary possession powers that is now sought reflects the applicant's commitment to minimizing impacts on affected persons and to reaching agreement where possible, and at this stage of the project's design, to avoiding recourse to those powers. And in addition to the inclusion of 1.8 hectares of additional land, the effect of change number eight, which is the inclusion of additional land for the national gas pipeline. That's new work. Number 2c, is to create additional rights over certain plots that were already in the order limits, and that's specified in the supplementary statement of reasons at paragraph two, point 1.5 that identifies both the new plots and also the plots where rights sort have changed. And as that document explains, the additional land and rights are required to enable the applicant to utilize an existing natural gas pipeline, the national gas pipeline, to import natural gas to the main site, in light of the change request, in accordance with regulation five of the compulsory acquisition regulations, a supplementary statement of Reasons that CR 013, together with an updated book of reference. CR, one zero 10, schedule of changes to the book of reference. CR, one zero 12, supplementary funding statement. CR, one zero 14, and supplementary land plans. CR, 1005 were submitted on the 17th of October last year. The supplementary book of reference identifies the changes that result in additional land by way of highlighted text, and all of the new plots and the plots subject to new rights as a result of the change are identified in the supplementary land bans. The supplementary statement of reasons explains why the additional land and rights are required for the proposed development. That's a paragraph 3.1, point one, the compelling case in the public interest, principally by reference to Section seven of the original statement of reasons, A, P, P zero, 24 and the need for natural gas to service the hydrogen plant facility. That's a supplementary statement to reasons paragraph 3.1, point two, and why the powers sought are legitimate, necessary and proportionate. That's in the supplementary statement to reasons at paragraph 3.1, point three, the supplementary funding statement confirms that the information contained in section two of the original funding statement as to the project partners remains accurate. The latest audited accounts of the BP group identified total net assets of 85,490 \$3 million million dollars. The other partner, the Abu Dhabi national oil company, is a wholly state owned enterprise of the Emirate of Abu Dhabi, and so operates with strong financial backing. Section Three confirms there's no change to the cost estimate of phase one of the proposed development as a result of the change request, given the scale of the additional land and the fact that change involves utilizing a pipeline that already exists such that any necessary

works would be minor in nature, sections four and five confirm there is no change to section four of the original funding statement relating to project funding, or funding for land acquisition and blight. So the application and the change request documents show the following things. They show the powers are sought for a legitimate purpose that efforts have been made and continue to be made to acquire the land by negotiation, absent powers of compulsion, the order land may not be assembled in time to enable the underlying urgent public interest objectives to be met. There's no reasonable alternative to the proposed acquisition in order for the proposed development to proceed, the site selected for the proposed development and the land needs to implement it are suitable, having regard to potential alternatives, the applicant has undertaken a clear and appropriate process to identify the site and the most appropriate connection corridors, and the applicant has the ability to procure the financial resources required for the project, including costs associated with the acquisition of land. In summary, there is nothing in the change request which alters the applicant's overall approach to compulsory acquisition or temporary possession, or might lead to a different conclusion as to whether there is a compelling case in the public interest to grant the applicant the compulsory power. Powers needed to deliver the project, the applicable tests are clearly met for the small amount of additional land and the additional right sought, and the substantial net reduction in the land proposed to be made subject to compulsory powers significantly reduces the impacts on affected persons without affecting the public interest benefits the proposed development would deliver, and the overall effect is therefore to strengthen the compelling case for the powers sought. So so that's what I was proposing, by way of a response to this agenda item.

30:38

Thank you, Mr. Philpott, and thank you very much for that. Summary. Is there any response from any other effective parties or any persons on the the in the meeting who would like to ask a question or comment on what we've heard from Mr. Philpott? I'm hearing No, no request for that. So Mr. Please feel free to put your screen back, your camera back on. I think what you've summarized is broadly what I was expecting, and I'm not going to ask any further questions of that at this stage. I think most of what you've covered, we heard in and were aware of from the first ca hearing, as you suggested. And I think the updates are quite clear in terms of how this the change requests impacts the main elements of the overall ca request. So I don't propose to ask any further questions on this agenda item at this point. So thank you very much for that summary. On that note, I'm going to move on to Agenda Item three, and I know Mr. Philpott, you may have covered some of the points about the reason for the change request, but I think just in terms of making sure we're clear on the agenda items, I'm going to just refer you to the agenda item, the agenda we published again, and in 3.1 I'm going to ask you to provide a summary of the the actual change request submitted in the 17th of October and accepted by the examining authority on the 21st of October last year. The Public Agenda suggests that this summary includes the need and impact of the change, additional reduction in land which some of the which you've already covered, you may want to go into a little bit more detail in this agenda item, and including things like the impact on temporary acquisition, the consultation approach, feedback and any changes made pursuant of the consultation. So I think I'll just hand it back over to you and your team, Mr. Philbot, to continue to explain the change requests, as we've requested in agenda item three. Please.

32:55

Thank you, sir. Over with Phil but on behalf of the applicant, so the details are set out in the Change report, which is CR, one, zero, 44, in the accompanying documents. There is, as you've anticipated, necessarily some overlap with the previous item, but I'll seek to avoid repetition. So the changes that have been sought to the DCO application reflect further engineering and design development of the proposed development, changes to construction approach and techniques and reductions in the order limits and evolution and refinement of the proposed development they seek in places to respond to comments received from interested parties through ongoing engagement with those parties, And in response to comments received in their relevant representations. They deliver improvements to the proposed development. They remove optionality, land take and complexity, and with the exception of the Category D, change, they reduce its overall impacts on those interested parties, so returning then to the categories of change. So four categories of change in the change request. So category A, changes were the result of engineering and design development undertaken by the applicant, but didn't involve any changes to the order limits. Category B, changes were changes to construction approach, and these allowed for the removal of a compound, the addition of a compound at navigator terminals, and that's with a temporary possession plot that was already in the order limits and reducing the scope of construction activities in compounds outside of the main site. Those changes reflected discussions with third parties and the applicant's review of its construction approach, and the overall effect of that was to remove 8.1 hectares of temporary possession land from the order limits the. Category C were order limit reductions, and these all arose as a result of discussions with third parties, and then in terms of the overall effect of those changes, looking at it on a power by our basis, the compulsory acquisition. Uh, changes resulted in the removal of somewhere in the region of 8384 hectares. Compulsory acquisition of rights led to the removal of just under three hectares. And temporary possession led to the removal of just just over 12 hectares, which gets to the total of approximately 99 hectares that I discussed earlier, then Category D. This was the orderly mid increase for existing natural gas pipeline. This is intended to ensure that the applicant has the property rights to accompany the gas transportation agreement that's being discussed with sem core that added 1.8 hectares of compulsory acquisition of rights land, as well as adding the use of this pipeline to plots that were already within The Order limits. Now the individual changes themselves are described in the Change report. I'd be happy to go through them all individually. Now, if that would be helpful, or if you're content that as read and set out that they're clear in the documents, I'm happy to move on to consultation approach. So I don't know whether you have a preference there. I can go through them individually or times read.

36:46

So I don't need you to go through them individually. I think we've all read them. They've been submitted for some time now. I think if there's questions that come up, we might go back to them individually in those questions. But I don't think that it would serve our purposes in terms of time to ask you to go through them, I think they they're reasonably clear for me in the or they are clear for me in the report. So I think I'm very happy for you to not go through them individually. Thank

37:13

you very well. So then I'll move on to the consultation approach. So one could summarize the consultation approach as follows, letters were sent to all section 42 to 44 parties, together with certain non prescribed parties. In other words, in line with the approach taken with the application, these letters provided a summary of the changes and a link to the project website. A notice to publicize the

consultation was placed in national and local newspapers, plus the London Gazette and the Lloyds list, and also on site. Documents were made available at Red Car library, Stockton Central Library and Hartlepool Civic Center, and there were also meetings with interested parties. No changes were made following consideration of the feedback received as the changes had themselves arisen as a result of engagement feedback, and also those who had interests in land either welcomed the changes or simply sought to ensure that negotiations continued and that their assets were protected. The feedback from statutory bodies focused on ensuring that the impacts were understood and the conclusions of the environmental statement and the shadow HRA were not affected. Community feedback focused on generic scheme impacts, and so far as I'm aware, none of those who responded to consultation suggested that the changes should not be made, and so no changes were made in response to consultation. So that's what I was going to say, by way of summary at this stage, that's helpful.

38:58

Thank you very much that is very helpful before I move on to Agenda Item 3.2, where I'll ask anyone specifically affected parties, if they have any comments. Has anybody got any questions or comments specifically about the change request per se and the summary that Mr. Philpott has just made no I have no hands being raised. Don't forget what mister Butler said that if you if I do ask these questions, and you do, we very much rely on you using the hand raise function, because we can't see everybody in one go. So thank you very much. So I'm just going to move on to Agenda Item 3.2, and in accordance with regulation 15, two of the infrastructure planning bracket CA, regulations 2010, the examining authority now invites the following person. To make oral representations if they wish. So the any affected person or interested party is invited to make oral representations on the proposed provision for the compulsory acquisition and additional rights over land set out in the applicants accepted change requests, and we're also inviting oral representations for any additionally affected person to make oral representations on matters relating to the proposed compulsory acquisitions of land and rights in general. So to be clear, this question is primarily aimed at those persons affected by this change request, we're going to cover the general compulsory acquisition in the next gender item. So those that are affected by the change request who did not have a chance to provide all representations at the first hearing that we had back in November, or there are additional things from this change request that means you would like to make further all representations. I hope that's clear. So this is your opportunity to make all representations, if you wish, if you're an affected party person or interested party. So if you would like to, please raise your hand now. You

41:25

No, that's absolutely fine. We, as I said, as you will see from the agenda items, we will be going on to a general update on all ca matters. So I am expecting most of the affected parties that have introduced themselves to want to speak at that point. So thank you all, and thank you. Mr. Philpott, I do have some questions of my own, so I'm going to run through some questions Mr. Philpott and team in primarily, firstly, the change request statement makes it clear that the gas pipeline that will be used is currently mothballed. So I'm just looking for what assurances you have that the pipeline is actually usable or capable of being usable, if it's been mothballed for some time, and if it ultimately isn't, does the DCO still allow for the original plan for gas supply to allow the plant to operate? And indeed, is that option A still possible

42:32

to fill pot? On behalf of the applicant, I'm going to ask Mr. Elna Ibrahim Zadi, who's Senior Project Engineer at BP to respond to those matters.

42:47

Hi, good morning, Mr. Elder. I'm sorry, speaking on behalf of that applicant, just to check, can you I'm sorry, can you hear me?

42:56

I can hear you perfectly well. If anybody else can't, can they raise their hand, but I know, I know you had a little stuff you can start when you joined. But yeah, we can, we can hear you perfectly.

43:05

That's perfect. Thank you. So the existing pipeline has been subject to what's known as an inline inspection, which is an inspection program whereby a device known as a smart pick is used to check the integrity of the pipeline so that has been completed, although not by the applicant, but by other parties that were working together with and the data that that's been gathered by that in line inspection has been subject to confirm that the integrity of the pipeline is in place for us to be able to employ the existing pipeline. I'll stop there see if that answers your question.

43:51

Yeah. I mean, it was a very is a very simple question, just to make sure that what you were proposing was actually feasible and therefore any further repercussions on land further down the line were were being mitigated for and risk. That's fine. So we've in the second. So that's fine. I'll move on to I'll just rumble through some questions, and I'm sure if it might be Mr. Ibrahim Zadi that answers more of these, Mr. Philbot, but we'll see how we go. So in our second round of questions, we received a plan which shows the routes of pipelines and services for all three projects proposed to be based at the foundry. The consented Net Zero project already has a gas supply. Can we just explain why that gas supply for Net Zero cannot be extended to be used for net zero T side, rather than adding more land to this application.

44:49

So Harry wood pulpit on behalf of the applicant, just to make sure I understood before I pass this on to Mr. Ibrahim Saadi, the question is whether the net zero T. Side. Gas supply could be extended to h 2t side, yes, therefore

45:06

meaning that we don't need actually, the additional land is included in the change request order

45:13

understood. So I'll ask Mr. Ibrahimzadi to respond to that.

45:20

Mr. Graham said, appearing on behalf of the applicant, could I just double check on the geographical location of the natural gas pipeline network that you were referring to? Is this the entirety of the national it's really

45:35

that you know that I'm assuming, and I obviously, I'm not as familiar with the net zero T side project as as others that it has a gas supply necessary for it to function. And my question was, was, is, is, has it been looked at to use that same supply into the main site for for your proposal application, rather than having to employ another gas pipeline which is subject which is the subject to the change request. Thank

46:10

you, sir, that's very helpful. The we are in discussions with net, the net zero T side project, and also other counterparties with regards to sharing the natural gas pipeline that's intended to be used for net zero T side. As you will probably appreciate, this is subject to ongoing private commercial negotiations between the parties. The reasoning behind seeking consent for a standalone natural gas pipeline in the H to T side order is for us to be able to have the assurances that, for any reason, if those commercial negotiations halted, we have the ability to be able to build a standalone natural gas pipeline, natural gas supply pipeline for H to T side but as you have pointed out, we are in commercial discussions with net zero T side and other parties for us to be able to share a natural gas pipeline.

47:08

So is there, is there a potential that this, this pipeline, may not be actually needed in the final, the final design for the project.

47:22

The what I'll probably say on that is that the there is a there is a likelihood that the parties will share the one pipeline, in which scenario on the one pipeline will be constructed by either of the parties.

47:40

No, and I think I was partly expecting that answer, so I'm very happy with that answer. I just wanted to ensure that i i understood completely whether that was happening, because obviously additional land. I'm just making sure that I'm just asking about the overall need, and that fits into the the my understanding of the overall need. So that's very kind. Thank you very much. Mr. Philpot, this is a very, probably a very simple question. I don't believe the supplementary statement of reasons mentions Crown land. Is there just, is there any reason for that in particular, or is that simply, there's no need to mention Crown land in the supplementary statement of reasons. I don't think it's a big issue. I just wanted to clarify if there was a reason why it wasn't included and mentioned specifically,

48:33

so Harry would pull apart on behalf of the applicant. My understanding, sir, is that there's no Crown land interest affected by the changes, and so it's simply the issue doesn't arise.

48:43

There is, there is additional Crown land, not not additional land. There is additional rights within the Crown land, obviously, underneath the the teas, I think it is included in, in some parts of the change request. I know it's not additional land. I think it's in the category you mentioned about additional rights within land already identified.

49:12

So just just apologies for the slight pause and just checking the position before I respond to that, not a problem.

49:27

I wonder if, rather than taking time now, if I can come back to you on that after the mid morning break, once you've checked the position, I don't want to hold, hold matters up.

49:38

No, that's absolutely fine. I don't think for me, it's really just about clarification. As I say, I believe that there is additional rights within the Crown land. I don't believe the Crown land has been mentioned the supplementary statement of reasons. It may be that that's there's no real problem with that at all, but I just wanted to close out that that was included. And there was no changes that would be impacted by, by by by the change request. So, yeah, if you can come back with that, that's absolutely fine. I think it's just a closing out a question, really, yes. Thank you, sir. Okay, no problem. The supplementary funding statement says there will be no change. And you've already mentioned that in your introduction to both generating two and three. And I totally understand that point about it being a small, very small cost in the overall cost. I just wondered if there was any, there had been any review of any additional risk and liabilities that could change the overall cost envelope, accepting that the actual capital cost of the construction change would be minimal overall, and whether those additional risks and liabilities had impacted the overall cost envelope and risk profiling.

50:58

So I think I'd have to take instructions on to make sure I've understood the answer to that precise factual question. I understand the position as it's reported in the funding statement, but I don't have instructions on the further analysis of that particular point. So again, if I can just take instructions and come back to you on that, either during the course of today or if not in writing, yeah. So

51:20

just to be clear, that's absolutely fine, Mr. Phil, but just to be clear, there's obviously mention of the capital cost of the the change. And I answer is absolutely fine. It's just whether additional risks, liabilities and risk profiling have any effect on the overall cost envelope. Obviously, I think the answer will still be that, you know, within the overall BP and or the funders envelope, there still will be no change, but I would like to just make sure that that has been looked at and included in there. Please. Okay, so the mission, the seafarers mission, who are here today, submitted a response in the relevant representation period. Can you just give us an update on that consultation with them since that response and whether any questions and concerns have been closed out with them, please.

52:13

So yes, Harry wood Philpot on behalf of the applicant, so we've noted the representations made on behalf of the mission to seafarers, and as we understand it, that the principal concern is about ensuring the impacts of access to their premises from seal sound roads during construction is not affected. So as I understand, it's not specifically a compulsory acquisition matter, but in terms of what we're doing in response to that point, the F, C, M, P, the framework, construction environmental management plan, requires the applicant to issue communications to affected stakeholders in advance. Now, the applicant expects to have the main construction compound for works north of the tees River in a lay down area along seal sands road, and that would increase background traffic levels due to construction traffic and daily commuting by workers for the duration of the pipeline construction. But it's not envisaged that that increased level of background traffic would significantly affect third parties as the day to day vehicle traffic movements won't require traffic management in the same way that pipeline construction works might. The applicant envisages that any road closure affecting access to the seafarers center on seal sands road would be for specific construction activities relating to the hydrogen pipeline. That's work number six, a one in the corridor adjacent to seal sands Road, for example, whilst lifting the pipeline onto the existing pipe bridge at the entrance to the center, those construction activities will be temporary in nature and managed through the normal traffic management processes that will be able to be planned through engagement with the center to ensure disruption to its users.

54:19

So can you still hear me?

54:21

Just you break up a little bit. I'm not sure whether that was me or you.

54:26

So should I repeat that last point, just the last point, please? Yeah, that'd be great. Thank you. So the applicant envisages any road closure affecting access to the seafarers center on seal sand road will be for specific construction activities relating to the hydrogen pipeline. That's work number six, a one in the corridor adjacent to seal sands Road, for example, whilst lifting the pipeline onto the existing pipe bridge at the entrance to the center. Those construction activities would be temporary in nature and managed through the normal traffic management processes. Those would be. Able to be planned through engagement with the center to ensure disruption to its uses is minimized. Furthermore, any works or construction access along seal sands road won't prevent the utilization of that road by other parties, with localized diversions being put in place if required. Again as part of traffic management. Now the applicant will include a representative in the mission to seafarers in the local Liaison Group, which is to be established under requirement 25 and it will also update the framework CMP to include an obligation specifically to engage with the mission prior to any activities which might affect their access, which we hope the combination of those things will provide some comfort to the mission that its access won't be unduly disrupted.

55:52

Okay, thank you very much. I know we're going to probably cover that again, or certainly highlight that in Agenda Item four, but because they had replied within the this change request, I just wanted to cover that out. Now, I know the missions seafarers are here, but didn't, did say that they were only basically

here to understand so unless they would very much like to comment now on which I'd be very, very happy to I will assume that that negotiation and discussion is carrying on. Mister Craig, you have put your hand up so yeah,

56:30

to say, well, just really to comment on the back and say, Thank you for listening to our concerns really and responding to them so positively. I look forward to hearing from you on a local basis when the time comes and having a local representative to meet you and discuss with you the particular effects on our center. So thank you.

56:55

That's great to hear Mr. Craig So and thank you to all in the applicant team for making that happen and acting on that. I know that these things are very important to to local affected persons. So thank you, Mr. Craig and thank you, Mr. Philpott, that makes complete sense. Can I ask just at this point if we could share on screen the I think the compare works comparison plans from the change request would probably suit for the next couple of questions. I've got to see if we can work our way through all the questions just with the one plan, rather than flicking around. So I'm hoping that whoever was on on duty to share screens, that would be that's fantastic. Can I my first question? Can I go just figure six? Please do

58:04

Thank you. So this is change to f. So we've got a reduction in the AIG at seton cororu that we can see in change to f. So we've reduced the connection to the gas network at this place, which I know is part of the one of the reduction measures that you've explained. Mr. Philpott, can I just have an explanation of why the area of temporary possession, which in this plan, is the darker green with vertical lines on the bottom left of the the plan, or the change highlight in the darker green, why that's remaining as requiring temporary possession. It's also shown on page 18 of 45 of the works. Plan now is a hydrogen overground and underground pipeline, which I'm not sure whether that is still accurate. So it's really about why that piece of land is remaining as requiring temporary possession, and it's highlighted as overground and underground pipe on the works plans.

59:13

Thank you. So I'm going to pass to Mr. Ibrahimzadi To answer that question.

59:20

Thank you, sir, Mr. Eleanor ibrahimzada, on behalf of the applicant, the vertical dash section on the bottom left of change to F is a is an area that's been identified for lay down as a lay down area for storage of line pipes and other construction materials to enable the construction of the neighboring sections of the hydrogen distribution network. It was never intended to be used solely for the connection to the gas grid at this point. So this, this has always been intended to be used as a construction laid out. Area for storing lime pipe and other construction materials for the adjacent parts of the distribution network, hydrogen distribution network. And I would also like to point out that the the NZT to DC, as we've referred to previously, was it's similar CO two gathering network in terms of geographical extent and scope, is also looking to use that exact area for its lay down purposes.

1:00:30

Okay, thank you. I mean, I was partly expecting to say that, does that still now work in terms of construction access, bearing in mind where you had 2f there was obviously some connectivity between that site and the the main pipeline that we can see going top to bottom in the plan, is that still feasible in terms of connectivity? Is that still a required lay down area in light of access arrangements,

1:01:04

I think so. Yeah, so Mr. Branch, other, speaking on behalf of the applicant, it is still required, and at the high level, we look to use that area using the access point that's that we've identified on the access access and right away plans to access that area and use the the public highway known as the seat and career road, and then the seal sands road and other private roads as identified in the order limits to to access the remainder of The hydrogen distribution network.

1:01:40

Okay, that's, that's absolutely fine. I just wanted to make sure that there, there was still a need for that with the change that came about, Mr. Bucha, just Just a note, and I just don't, I don't need an explanation now. But as I said on the updated works plans, I believe that area is still being shown as hydrogen overground and underground pipeline. Just for for completeness, I just wonder whether that is the correct use of your key in the works. Plan to show that, because, as you've just said, it's a lay down area rather than an overground or underground pipeline. Probably just a minor thing, but it did jump out when I was trying to work out what was still being used for. So I'll just leave that with that one with you to look at, if that's okay.

1:02:31

Harry wood, Philpott, on behalf of the applicant, so you're right. There is a mismatch between those two sets of plans. We're going to review the worst plans and bring them into alignment.

1:02:43

So, yeah, I think really grateful to for raising them. Thanks. Thank you very much. That's that's very kind to highlight that. I'm just going to ask you just to whiz down to plan 8d please. So thank you. So underneath the number eight on the right hand side, at the kind of the south eastern end of DAB home gut, again, when you zoom in, the pipeline is being shown outside of the order limits. Can I just get confirmation if that's diagrammatic, or whether that is just a drafting error, or whether it's just a very thick line that you've added for the pipeline, please.

1:03:32

Thank you, sir Mr. Illinois bramzada, speaking on behalf of tech, as you put it, I think it's an artifact of a very thick line that we've put to represent the pipeline, but we'll take that point away to double check it.

1:03:43

Yeah. Miss everybody. This isn't the first time I've we've picked this up, and for me, it kind of reduces confidence a bit and raises a few doubts about how certain we are that the proposed application can be built within the order limits. Can I? Can I please ask you when you're reviewing this and you review all

the the city, I know a lot of the pipeline and underground works are indicative at this stage. I fully appreciate that, but it reduces our confidence in understanding whether the the order limits are sufficient for the for the proposed developments when in a number of places we've highlighted already and they're still happening. So if they can all be checked, so that we can be absolutely certain that this isn't something we see again, because this is the probably the last hearing we will have before the end of the examination. So just wanted to really make that point, please,

1:04:41

of course, Mr. Speaking on behalf of the applicant, we will absolutely do that. So just to give the examining disorder to reassurance, in this specific case, when I think the existing pipeline to the order limits, we have used a spatial data that's been gathered from the from an inspection of the pipeline. And. A to make sure that the pipeline is, in fact, within the order limits. And we've checked that geospatial within the adjustment geospatial information system as well. So just to give the reference in this specific case, but we'll take your point away and check all of the

1:05:16

I fully appreciate, and I probably would expect you to say that and having done your due diligence on that. But obviously we have talked before about working space and needing to work around the pipe as well. So where we see it right, right on the edge of the the the order limits, as I say, you know, with not only not seeing the the design detail that you're talking about, but obviously, knowing that temporary works and working space is required as well, it's really important that we we have that assurance that there is going to be no everything can be built within the order limits. So I'll leave that with you, and probably enough said. Now on that point. So before I jump, I am going to jump onto the land plans in a minute. Just to give the kind person who's sharing a bit of a heads up. Can I have a quick look at change e please, which is the area where previously we had a very wide sweep of

1:06:31

2e. So, yeah, we had a lot of I'm trying to find the right plan. Bit further up. Next plan up. That's the plan up.

1:06:45

I'm just going to whilst we're on this plan, I'm we obviously raised this in our in a number of our first questions and hearings. Can I just ask if anybody that had initial concerns about the amount of acquisition of rights that were being sought in this area, whether there are any comments now on the change and what has happened with the change request, please.

1:07:30

No, I'm assuming that most people, as Mr. Philpott explained at the beginning, felt this was a benefit and an improvement. So I'm going to, as we've had no hands up, I'm going to assume there's no further comments specifically on this. I only wanted to raise it because I know there were a number of comments from a number of different parties. So thank you very much. It is, from my point of view, it's good to see that that action has been taken to reduce the amount of take there. So I have got only one final question you'll be all pleased to hear regarding this. Can we please share the land plans? And I'm

looking to try and remember which plan I need to look at. It'll be plot, it'll be planned. It'll be plan 11.
Please do I

1:08:39

thank you. I think that will do if we could just zoom in to the white area that is in an island between all the yellow above 1124 please. If you could keep zooming, that'd be wonderful right into the top of the white. Thank you. I think that will do me for now in the Change plan, this slither of new rights just above where it says laboratory, the land plans actually take go through buildings. Now I understand, you know, we need to, you know, simplify our ball our drafting, but that they're clearly going through buildings at this point. Has that been discussed? Is that a drafting error, or is that simply the way you've done things, because it has appeared on other things in terms of not taking account of existing buildings, and assuming that if you were to take the powers to their full extent, you could extinguish rights through parts of buildings. So I didn't know whether there was a an approach to this that made complete sense

1:09:58

with Phil pop Casey, I'm. Behalf of the applicant. So I think on this one, we'll need to just take that away and check and confirm the position in writing, if we may. I don't want to give an answer without full instructions on that point. Yeah.

1:10:11

I mean, I think I mean, rather than dwell on this, I mean, in a similar way as I just mentioned about the the Indicative pipelines on the edge of order limits. There are a number of areas where this has happened, I think in in one area, I think you're looking at going through part of a cooling tower, with the with the border. So it hasn't taken account of some really sensible, practical reasons why you would amend the and take a squiggly line approach to the order limits, rather than a lovely straight line. So I think this, this is kind of highlighted a little bit of an issue that I've now subsequently found in a number of other areas. So I think if you can take this away, Mr. Philpott and look, certainly in the Billingham estate, as I say, we seem to have a an order limit going through the middle of a cooling tower. So I think it's just about how we manage that, in terms of what you know, whether the DCO should say something about that, or whether it's whether the order limits should change, or whether we can just be sure that we're not the potential of using powers that that we just don't need or haven't got. So if you could take that away, I would be very grateful

1:11:29

Understood. Thank you. We'll do that.

1:11:31

Thank you. So they're all the questions I have, and thank you, Mr. Philpot, Mr. Green Zadi, for answering those, I think we can finish sharing the screen. Thank you very much for your support there. So based on any of my questions, or any general questions or comments about this, is the last chance that we are going to just talk about the change requests on its own, in its own right. So this is an opportunity for any body else on the call to raise a question or make a point before we move on to more general matters in terms of the land and temporary possession. You okay, that seems reasonably

sensible, so I that's fine. Thank you very much, and thank you very much, Mr. Phil but Mr. Abrams Ardi for covering those things. We will move on to agenda item four. I think, although we said we would, we will stop for a break about 1130 I think we we've only been going for an hour. Of course, I think we will use the next 15 minutes just to make a start. I think because we found when we had our first hearing, that going through all the individual interested parties took some time. So I think we will use that 15 minutes and then come to a suitable stop after the first one or two, if that's okay with you. Mr. Philbrook, if you're happy with that.

1:13:19

So very happy with that. I was just going to say in terms of item four, where most of these items from our part, will be dealt with by Miss Georgina Hurley, but there'll be a couple that I will deal with. I note from the way that it's put in the agenda, you'll ask us for a brief update on the progress of negotiations and deadlines for conclusion, and then each of the affected persons registered to speak will be asked about an update. Is it intended that we will do that all in one clean sweep from the applicant summary and then go through the individual responses? Or would you like to deal with the party

1:14:02

by I will. I would like to deal with party by party, please. So we will cover one party, and we will give them the opportunity to discuss. So I I know that that means that some parties will be hanging on, but I'm sure that that is absolutely what was expected Anyway, anyway. So yes, we will do that. Thank you. The other the only other question I've got for you, Mr. Philpott or miss Hurley, is last time we, although we've got item five with statutory undertakers, last time you found it easier and more succinct to cover the statutory undertakers within the kind of flowing list of people, I'm very happy either way to accommodate how you'd like to do that. We this this time, we have a number of people from national gas transmissions and national electricity transmissions. So I'm very happy, and no other statutory undertakers, so I'm happy to take them in item four, if everybody is. Else is if that makes it easier to to keep the flow going entirely, entirely at as you wish. So

1:15:09

from the applicant's perspective, we're content to deal with them in item four. We suspect that will be the most convenient way, and it also means that that they're not hanging around unnecessarily. We can hopefully deal with them all in one first week. Absolutely,

1:15:23

can I just make sure with those two parties that they're not going to be waiting for people to come for a later agenda item, and they'll be happy to cover them in this agenda item, which we will take alphabetically, as we did last time. For those of you that weren't there, i

1:15:43

Yes, sir. And Caroline. Daly for national gas, that's absolutely fine with us. Thank you. Thank

1:15:47

you. Miss Daly.

1:15:49

Um So DAISY noble for national grid electricity transmission, that's absolutely fine with us as well.

1:15:54

Excellent. Thank you very much. We'll take them in alphabetical order, and we will hand over to you. Miss Hurley, and we'll get through the first one or two maybe, and we'll try and break about 1130 which is only 15 minutes away. So I'll let you take the reins. Miss Hurley,

1:16:11

thank you. Georgina Hurley, on behalf of the applicant, I'd like to start with a brief introduction before we go into each individual interests. Dalcolm, McLaren and Pinson masons, on behalf of the applicant, have been continuing to engage with the affected parties and land interests relating to the h 2t side project since the previous compulsory acquisition hearing on the 13th of November. Negotiations include a variety of land agreements, protective provisions and side agreements, as well as some other bespoke agreements which are required by some individual landowners. As for the progress in negotiations on the land agreements with these parties, the applicant has demonstrated the progress on all negotiations, and we are maintaining an update, updating the land rights tracker document which has been submitted by the applicant, most recently at deadline five. The next update for the land rights tracker is due at deadline. Seven, the applicant has made progress on the negotiations relating to the protected provisions with the affected parties and remain committed to agreeing protected provisions to ensure the H 2t, site project successful development. The applicant anticipates that we will be able to secure agreements for many of the heads of terms and protected provisions before the end of examination for negotiations where the applicant does not foresee the conclusion of negotiations, by the end of examination, the applicant is committed to continued engagement to resolve any outstanding matters. I'd like to start there giving the individual updates. Now, if, if that's okay with you?

1:17:41

Yeah, no, that's, that's absolutely fine. And obviously, um, probably slightly differently to the first hearing, there are a number of parties that aren't in attendance, and have specifically said that they're not going to be in attendance. Please. Can you cover all parties, whether they're here or not, which I was expecting you to do. We may or may not have our own questions. Sometimes we do, sometimes we don't. So I'll hand over to you, and as we did last time, see how good we are at our alphabet.

1:18:12

Thank you. Georgina, early on behalf of the applicant, I'll start with Ed products. The parties have had various rounds of negotiations in relation to the protected provisions and have attended a meeting to discuss these most recently, the applicant received Air Products comments on the protected provisions on the 17th of December, and the applicant's legal and technical teams are reviewing these comments on the seventh of January, 2025 the applicant had a discussion with Air Products solicitors in relation to some of the proposed changes to the protected provisions, and the applicant anticipates that the parties will be able to agree protected provisions before the end of examination. We move on to Anglo American as the next one. So,

1:18:56

just so, just so we know because air products aren't in attendance products were one of the few people to actually give a an update at deadline, five A where they want. They wanted to highlight that no agreement had been made, and they've sent their preferred provisions to you at with a comparison. I think they just wanted to make sure that we were aware from their point of view of the progress. I don't think it differs from what you've said, but we did have a deadline, five a submission from them, which I'm sure you have seen, and I don't think you've said anything that's contrary to that, as far as I know. Perfect. Yeah. No. Okay. Thank you very much. Anglo American.

1:19:43

Georgina Hurley, on behalf of the applicant, Anglo Anglo American, the applicant continues to work with Anglo American to address their concerns, and have received Anglo Americans preferred version of protected provisions. The applicant has incorporated the aspects of Anglo American public. Public protected provisions that are agreed, and the applicant is currently reviewing Anglo Americans comments on the side agreement and draft protected provisions, and continues to progress these. The applicant and Anglo American currently hold weekly meetings to discuss the and progress the land agreements, as well as the technical meetings as required, negotiations are progressing to the long form land agreements for a number of the agreements required with the remainder is still at heads of term stage, but these are progressing positively, along with the technical discussions.

1:20:32

Thank you, Mrs. Clark, can you if you'll be very willing to put your video on your screen. And thank you very much. We've obviously know from your latest representations that you said Indeed that meetings were happening and the draft side agreement had been received, and we had a long discussion at the first hearing about the timeliness of that. But I know things have progressed since then, we noted your comments about progress with detailed design, not allowing full assessment of the interfaces and another number of issues that you've raised. Do you feel that the weekly meetings now are progressing in a way that we'll see, from your point of view, a satisfactory resolution by the end of the examination,

1:21:26

you're on mute. Mrs. Clark, sorry, the first time I've had to say that ever so carry on.

1:21:37

Juliette Clark, on behalf of Anglo American and discussions are indeed progressing. Anglo American have sent a draft side agreement to HTTP in December, as well as the preferred form of side agreements, we have not had a response on either, and therefore it's very difficult to provide a meaningful update at this point. It should be noted as well that in the deadline five and under DCO, sorry,

1:22:04

Mr. Scott, can you just remind me, because I was scribbling some other things. What you haven't had a response on, please. We

1:22:12

haven't had a response on the draft side agreement, nor have we had response on the reasons for the amendments that were made to the protected provisions. So Anglo American had provided h 2t with their preferred protective provisions, and those that were included in the draft eco at deadline five did not reflect the form that well, there were amendments to the form that Anglo American had submitted, and there wasn't an explanation as to why some of those changes had been taken out. We haven't had the opportunity to hear from H 2t aside of a couple of meetings as to why that was the case, as has been noticed. Sorry noted, meetings are now occurring more frequently, which is welcomed by an Anglo American. Can you still hear me? It's paused. No,

1:23:02

I think we are again struggling a little bit. I think you're a bit jumpy, but I think we've caught everything. Yeah,

1:23:11

the message is, it's difficult to provide an update currently, because we haven't had any response to the draft side agreement, we will continue to work with H, 2t, whether or not there will be an outcome by the close of exam is difficult to say, recognizing that this is the last compulsory acquisition hearing Anglo American will certainly require to continue to input written representations going forward,

1:23:43

and I think we would very much welcome that to make sure that we are very clear on what is happening on both sides of this negotiation. We're obviously with Anglo American and the their own DCO and comments so far about these changes, I think we would want to make sure that we do know from both sides what's happening. So please do continue those written representations at those relevant deadlines. So can I just go back to miss Hurley and just opportunity to comment on what Mrs. Clark has said about the lack of feedback on the draft side agreement and for the reasons for not including the changes to the protected provisions in the last DCO. Or Mr.

1:24:31

Yeah, Mr. Philpot, on behalf of the applicant, my understanding in terms of the side agreement issue, and I'll pass on to miss hous to deal with the question of the DCO changes in a moment. But my understanding is that the changes to the side agreement that will come from the applicant side are informed by and to. Be informed by the technical meeting. So there was a technical meeting last week, as I understand it, and there's another one scheduled for the 23rd of January, and the intention is that the output from those technical meetings will be used to inform the changes that will be suggested to the side agreement that will then follow on from those. So that's my understanding in terms of why comments haven't been received from the applicant in relation to the side agreement. I'll just see if someone else is able to pick up on the DCO point. One second, no problem.

1:25:50

Yeah, yeah. So Harry would vote on behalf of the applicant. Essentially, the reasoning is the same. So the changes were not made to the DCO that went in at deadline five, because, again, those changes need to reflect and be consistent with the outcome of the technical discussions. So they're they're simply pending understanding what the technical position is, which then needs to be reflected in the

legal drafting, whether one's dealing with a side agreement or the protected provisions in the DCO. That seems to be the essential reason why that hasn't happened yet.

1:26:24

That's very helpful. Thank you for that, Mr. COVID, it makes sense to me. I'm just going to check with Mrs. Clark to see whether that makes sense to Anglo American too.

1:26:35

Hi. Juliet Clark, on behalf of Anglo American. Yes, that position is understood. Anglo American would just like to stress the point that, because of the stage of these technical discussions, the interface of the projects at this stage is not clear, and as such, the maintenance of the objection for so long as required is necessary.

1:26:55

No, absolutely fine. And just so I know, because I know that the one of the things that has been really clear from the start, from Anglo American is about the the lack of detailed design progress, not allowing full assessment of the interfaces, which I know are probably very important, does, in your view, Mrs. Clark, the protective provisions, when and if accepted, cover that point about about interfaces between the two the two projects,

1:27:27

Juliet Clark, American, the answer to that is really not entirely and the reason for that is that there are reciprocal protective provisions that are proposed to be included by amendment In the York potash DCO, which would have the effect of Once implemented, preventing that project from progressing without certain consents in place. So the upshot of it would be that if technical discussions don't progress, the interface arrangements would be at a stalemate.

1:28:01

Okay, so, okay. So I mean, obviously, this will run obviously, but I'm just concerned that if, if those interfaces become at a stalemate, whether the protective provisions for both the proposed application that we're looking at now and the potential changes to the to the the existing application, whether they will be resolvable, or whether they will be at a stalemate as well. Is that your understanding, Mrs.

1:28:35

Clark, Americans, understanding is that technical arrangements as to how the interfaces are going to work have to progress before it is seen to be workable at all. Okay, thank you,

1:28:46

Mr. Philbot, that I think that's really clear to me. I presume that's the the same situation as you, as the applicant, view the situation with Anglo American

1:29:00

Well. So there are just two points I'd make at this stage. The first point is that the approach that the applicant is taking here is not materially different to the approach that was taken with NZT and was

ultimately agreed and is on the face of the order. So there's no difference in principle. The second point is this, of course, the provisions that are made on the face of this DCO, in order to deal with this matter, we will put forward those provisions that we say are appropriate, and will explain why. Ultimately, if agreement is not reached, or is not reached entirely, it is open to interested parties such as Anglo American to identify what they say should be in place instead. And they are entitled, of course, to suggest changes both to the that part of the DCO that would affect their own order, as well as to the protective revisions for the benefit of Anglo American that would sit in the later ship. Schedule. So if there are particular aspects which Anglo American are unhappy with, the resolution is through the drafting of the order to ensure that they don't operate in a way which is unfair. And if the parties don't agree on what that is, those matters can be left for you, and then for the Secretary of State to take a view as to what the appropriate provisions should be, so they're not a problem in principle. Ultimately, if we don't agree, it becomes a question of what protections are appropriate in each direction, and what they should what form they should take, and and both sets of protective provisions, as I understand it, promote constructability review, the design review and the concepts of shade shared areas that tells the parties where they need to work with one another. And so the protective provisions create the process that allows for the overlaps to be resolved, as opposed to seeking to resolve those overlaps now at a stage where the applicant's project necessarily is at an earlier stage of design development, reflecting where it is in the process. That's the essential principle, and none of that is a problem in principle. If there are differences, it's simply as to the drafting that's

1:31:27

I totally understand that and fully accept that. So thank you for for for clarifying that from your point of view. Mrs. Clark, have you got any further comments, or are you content that we covered all your points for today.

1:31:45

I'm content. Thank you very much. Thank you very much.

1:31:47

And thank you very much, Mr. Philpott and Miss Hurley for that. As expected, we only got through a couple of the affected parties, which is absolutely fine. It's now, according to my clock, 1132 so I think just in terms of time if, if we're all happy to come back at 1150 we will start in 18 minutes time. So we'll come back at 1150 this hearing is now adjourned. Thank you very much. Applause.