



## Hearing Transcript

<b>Project:</b>	H2 Teesside
<b>Hearing:</b>	Recording of Issue Specific Hearing 3 (ISH3) - Part 1
<b>Date:</b>	14 January 2025

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# TRANSCRIPT\_H2TEESSIDE\_ISH3\_SESSION 1\_14012025

00:05

Good morning. The time is now 10 o'clock, and I would like to welcome everybody to this issue specific hearing in relation to the application made by h 2t side, limited for the proposed h 2t side nationally significant infrastructure project. At today's issue specific hearing, examining authority will be looking at the environmental matters and allowing any additional interested parties or any additional affected persons as a result of the accepted change request to make oral representations on the matters previously discussed at the first or the last issue specific hearing. Or issue specific hearing. One I should say, before we formally open this issue, specific hearing, the examining authority and the examining authority introducing itself, I would, I would ask the planning spectros case team for this project to confirm that you can hear me, and that the meeting recording and the live streaming and this event has started. Yes, I can hear you and the recording has started. Okay, thank you for that confirmation. Could I also ask that all audible notifications for electronic devices, including mobile phones, be switched off or at least turned to silent? I would also ask that you keep your cameras switched off and microphones are switched to mute unless you are speaking. This helps to reduce the background noise and will also assist with broadband width. Additionally, I would advise that we had no requests for any special measures or arrangements to enable participation in this hearing today, but just want to confirm that's correct. I'm getting nobody indicating, so I'm going to move on. Thank you. Having resolved these preliminary meeting, the preliminary matters, and as everybody can hear me, and I've had confirmation that live streaming, digital recording has commenced, I would advise that this issue, specific hearing into environmental matters related to the ht side, nationally significant infrastructure project is now open. I will make this introduction as brief as possible, but for those of you who haven't previously attended a hearing for this project, I'm Christopher Butler. I am a chartered member of the royal Town Planning Institute, and have academic qualifications in Town and Country Planning. I am also the lead panel member for 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 delegation from the Secretary of State. And we constitute the examining authority for this application. We will be reporting to the Secretary of State for energy security and net zero with a recommendation as to whether the development consent order should be made. I'm going to ask my colleagues briefly to introduce yourselves. Mr. Simms, please

02:53

Good morning. I'm Matthew Sims I'm a chartered civil engineer and a member of the Institution of Civil Engineers

03:02

and Mrs. Bennet Matthews, please

03:05

Good morning. My name is Shannon Bennett Matthews, and I'm a qualified planning solicitor. Thank

03:12

you very much for that. We've all made a declaration of interest responding to the planning inspectorates conflict of interest policy and confirm that we have no declarable interests in relation to this appointment. Together, we constitute the examining authority for the application, and as I've already said, we will be reporting to the sector of state for energy security net zero with a recommendation as to whether the development disorder consent order should be made. Also present today are members of the planning spectrums case team working with Mr. Sims and Miss Bennet Matthews and I on this nationally significant infrastructure project assisting us. We have Lily Robbins, who is the Planning Specialist case manager for this project. She is, she is leading the Planning Specialist case team for this hearing today. And additionally, we have rameel Burney, who will be is also part of the planning specters case team working on this nationally significant nationalistic infrastructure project, technicians from production 78 are also in attendance virtually today, solely for the purpose of managing the audio and visual services, including recording of the lives and live streaming of this meeting. I would also add that other colleagues from the planning spectrum might join this issue specific hearing as observers only as part of the planning spectrum its commitment to continuing professional development. If you have any questions or concerns about today's event, please speak with a member of the case team here today. If you are yes, just speak to a member of the case team, if possible, please. That's the team out end turning to introductions. Firstly, we want to acknowledge and welcome all of those that are attending this virtual event today. Welcome and thank you for joining us. We would like to start with introductions from attendees. When I read out the. Aim of the team or organization, please. Could you introduce yourselves? We would like to take the names of those wishing to speak at this hearing, if you are a representative, please. Could you state who you represent? Could you also advise how you wish to be addressed Andrew, on which items you are wishing to speak? Can we start with the applicant. Please for introductions,

05:23

Good morning, sir. I appear on behalf of the applicant. My name is Harry wood, Phil Park kings Council. I appear together with Miss Isabella to fur of Council. We're instructed by Prince Masons on behalf of the applicants. H2 Teesside limited. So, as requested, we have brought along today a number of individual expert witnesses who can deal with the various matters on the agenda. Given their number, I propose to introduce those as we go along. If that's acceptable to

05:52

you, yeah, that's perfectly fine. Thank you very much. Mr. Philpott, in that case, I'm going to move on to local authorities, red car and Cleveland Borough Council, please.

06:05

Morning, sir. Adrian Miller, I'm head of Planning and Development at red car and Cleveland Borough Council. We have no specific representations based on the agenda today, but happy to respond to any questions the examining authority may have.

06:20

Okay, thank you very much. Mr. Miller, I'm going to move on to Stockton on tees, Borough Council, please.

06:28

Elaine Atkinson, principal Planning Officer, we would probably only speak on Question Eight, where there is a specific question in relation to contamination in one of our sites in Stockton.

06:42

All right. Thank you very much.

06:44

Also on the call Adam, where they'll be introducing themselves, we have Stephen Donaghy and Sarah Garvin, if they would like to introduce themselves as well. Thank you.

06:52

Okay, I'll wait for them to introduce themselves. Good morning.

06:59

Morning. I'm Stephen Duncan here. I am the chief environmental health officer and head of environmental health at Stockton Council. Thank you very

07:07

much. Yes,

07:08

and my name is Sarah Garvin. I'm the Environmental Health Officer at Stockton brew Council dealing with contaminated land. Okay,

07:15

perfect. Thank you very much, Mrs. Garvin. In that case, I'm going to move on to development corporations, South tees group, please,

07:29

yes. Good morning. Anthony Greeley from Litchfield consultants on behalf of South tees group. There are no items on the agenda specifically to which I wish to speak, but I'm here to answer any questions, if necessary. Thank you. Okay,

07:41

perfect. Thank you very much for your attendance. Mr. Greeley, I'm advised that ever shed Sutherlands are no longer in attendance, they would have been making representations on behalf of navigator terminals, limited, PDT sport, limited, semcorp utilities, UK, limited INEOS, night trials, UK Limited and CF fertilizers, UK Limited. That being the case, I'm going to move straight on to my next attendee, which is climate change policy and planning. Please.

08:16

Yes Good morning, sir. Dr. Andrew Boswell, climate Emergency Planning and Policy, and I'm interested particularly in item seven, climate change.

08:31

Thank you very much. Mr. Boswell, thank you, mission to seafarers. Do we have anybody here from mission to seafarers? I note they were on the list, but they don't appear to be in attendance. So just see if there's anybody here, from the mission to seafarers, I'm going to assume that's a no, so I'm going to move on in that case to have I missed anybody. So are there any other interested parties joining us virtually, who have registered, who would wish to speak during this hearing? If so, could you switch on your camera and microphone or use the raise hand function in teams to indicate that wish, please. Okay, I'm going to move on to our next agenda item then having done introductions, which is the purpose of the issue specific hearing. Before I do that, just need to cut a couple of points about the virtual event. Today's event is fully virtual, allowing attendance virtually through Microsoft Teams. This type of event forms part of the planning inspectorates operation model for those attending today, please be rest assured that you have our full attention at all times, even if we are at times not looking directly at the camera to avoid visual and noise distractions, please keep your cameras and microphones off unless you're specifically invited to speak for all those taking part today, especially those watching the live. Streaming or listening to the digital recording you might find out of assistance if you have a copy of the agenda open in front of you. It's available on the documents library access via the project page of the proposed development on the national infrastructure web page, and can be found under Annex D to our rule eight, three, letter and 13, letter dated the ninth of december 2024 for ease of reference in the document library that is document PD, 017, if for medical or other reasons, anyone requires a break at a specific time. Could you please let the case team know, and we will hopefully adjust our program to meet your needs. Turning to proposed timings for today. Today's agenda is full and quite ambitious, so we'll be keeping a close eye on the timings. We will aim to take a 15 minute break at approximately 11:30am and a 45 minute break for lunch around 1:15pm a mid afternoon break around 3:30pm and we aim to finish no later than 5pm but we'll keep this under review once the business as listed on the agenda is concluded, This hearing will close, so it may conclude early in the 5pm although, as we've already indicated, there's a reasonable amount to get through. Those timings are all approximate. If you are joining for a particular agenda item, we recommend that you keep in touch, touch with the case team, who will tell you if the sessions are running ahead or behind schedule. If you decide to leave the meeting during breaks, then you can rejoin using the same link provided in your invitation email. If you are watching the live streaming, then please refresh your browser to resume each subsequent session. We would also advise you that the chat function in teams is not being used today, so please do not use it if at any point during the meeting. Can you you can't hear me or my fellow panel members, or you should wish to speak. Can we ask that you turn your camera on, if it's turned off, and use the raised hand function in teams? If you do not have the raised hand function, then please ask the examining authority for permission to speak at an appropriate time. However, please note there may be some time delay before we can come and acknowledge your request. The case team will have explained what to do if you lose connection, and we are able to adjourn for short periods of time if an interested party experiences more more significant connection problems. If you do lose connection using the use the same link that you used to log on this morning, and the case team will endeavor to reconnect you as

soon as possible. Should you experience any problems with the live streaming and digital recording of the event? Sorry. Should you experience any problems a lot with live streaming, a digital recording of the event will be published on the national infrastructure web page as soon as practical after the event has ended. With regards to general data protection regulations and live streaming. We'd like to make you aware that this event is being both live streamed and recorded and will be published on our project pay web page. They form a public record and contain personal information to which the general data protection protection regulations apply. All personal data is managed in accordance with the planning inspectorates customer privacy notice. Consequently, if you participate in today's issue specific hearing, it is important that you understand you will be recorded, and that you're therefore consenting to the retention and the publication of the digital recording. It is very unlikely the examining authority will ask you to put sensitive personal information into the public domain. Indeed, we would encourage you not to do that. However, if for some reason, you feel that you it is necessary for you to refer to sensitive personal information, we would encourage you to speak to the case team in the first instance, we will then explore with you whether the information can be provided in a written format that might be redacted before being published. Please bear in mind that the only official recording of the proceedings is the digital recording that will be placed on the project page, on the national infrastructure website, tweets, blogs and similar communications arising after this meeting will not be accepted as evidence into the examination of this application. So moving on to the purpose of the hearing, the substantive matter for at issue in this issue, specific hearing today is concerning the environmental matters and also to allow additional interested parties and affected persons as a result of the accepted change request to make oral representations on matters that were previously discussed at the first issue. Specific hearing to be clear, it is not intended to discuss all all aspects related to the above mentioned matters today, but some matters being and some matters are being pursued through written questions. However, the examining authority wishes to explore a number of matters orally, in respect to environmental matters and to allow those additionally interested parties. Or additionally affected persons the ability to make any submissions that they may wish to make following issue specific hearing one. We would also like to remind you that the examining authority is predominantly the examination is predominantly a written process, and the examining authority has issued a number of written questions in our first and second rounds of written questions, and may choose to issue more questions under Rule 17 of the examination procedure, rules 2010 should it choose to do so prior to the close of the examination. So the purpose of this examination is for the examining authority to examine the information submitted by both the applicant and but also by interested parties, other persons, and we're relevant affected persons. As a result, we assure you that we are familiar with the documents that you've sent in. So when answering a question, you do not need to repeat at length something that has already been submitted. If you want to refer to information already submitted, we would be very grateful if you could use the appropriate planning, planning inspector examination, reference library number. Furthermore, could we please ask that for the first time you use an abbreviation or an acronym, that you give full titles, as there may be people here today that are listening to the digital recording that may not be as familiar with the application or the documents as you may be, whilst we accept that the majority of the discussions will be undertaken by those parties that are requesting to speak. This is a public examination, and therefore, if at any point you wish to make a comment, then please raise your hands using the teams function, or switch your camera on a relevant time that you may wish to make a contribution. The hearing today will be a structured discussion, which will be led by the examining authority based on the agenda that was already published. The purpose of this discussion is for the examining authority to ask

questions and seek clarification on matters related to the environment, within view to ensuring that we have all the information that we need to make our report to the Secretary of State, the question that we will be asking today will be focused on the areas where we consider further information is required, or we think the issues would benefit from that or examination. We would therefore like to take this opportunity to reassure you that whilst we may not be asking a specific question or covering a particular topic that you were expecting, it is not necessary that we view that that matter is satisfactory. It merely indicates that we consider that we have all the information that we need on that topic. At this time, we would like to remind everyone that this is not an inquiry, and therefore, unless the examining authority specifically requests or agrees to it, there will be no formal presentation of case or cross examination as such, any questions that you may have for any other party will need to be asked through the examining authority. In addition, I would remind you that all interested parties present that it is not the purpose of this issue specific hearing to discuss compulsory acquisition and or temporary possession matters at this hearing today, a separate hearing specifically dedicated to compulsory acquisition and temporary possessions have already taken place in terms of conduct and management and the hearing. We're conducting this meeting under sections 91 and 94 of the Planning Act, 2008 and the infrastructure planning examination procedure rules 2010 specifically rule 14, related to the procedures at hearings, we remind you that. Remind you all that under Section 94 eight of the 2008 Planning Act 2000

18:32

2008 Planning Act, it allows the examining authority to refuse representations being made at a hearing, including representations being made in exercise of an entitlement under Section 91 three, if the examining authority considers those representations to be 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 or by any person, or relate to compensation for compulsory acquisition of land or an interest in or rights over land, turning to the agenda. Rule 14 two requires the examining authority. Requires the examining authority, turning to the agenda. Rule 14 two of the examining

19:38

so you're muted at the moment.

19:50

Help What was the last part you heard me reading through? Please.

19:57

We probably lost the last 40 seconds. Or so,

20:02

sir. So I don't, did you? Did you get? Did we get through representations that are relevant, vexatious and frivolous? Yes,

20:10

pick it up from there. So that would be okay. Thank you.

20:14

So, yeah, irrelevant. I'm sorry about that. Don't know how that happened, but apologies so we can decline representations that are relevant vexatious or frivolous relate to the merits of policy set out in the national policy statement, repeat other representations already made in any form and by any person, or relate to compensation for compulsory acquisition of land or of an interest in or right over land. Turning to the agenda, the agenda rule 14, two of the examination procedure rule requires that at the start of the hearing, the examining authority shall identify matters to be considered at the hearing. The draft agenda for those hearings was set out in Annex D to our rule eight, three, letter and 13, letter dated nine, December 2024, and is available via the project page on the national infrastructure website. We consider that the main items for discussion are the details and the impact of the change request, application to the examination the change request as in accordance with regulation 14, two of the infrastructure planning compulsory acquisition regulations. 2010 the examining authority must give an opportunity for the additional interested parties and additional affected persons as a result of the accepted change request to submit submitted by the applicant to amend its development consent order to make oral representations on matters previously discussed at issue, specific hearing one, matters related to air quality and emissions, matter matters related to biodiversity ecology, nature conservation, and including ornithology and marine ecology. Matters related to climate change, matters related to geology, hydrology and land contamination, and matters related to design, landscape and visual considerations. We would ask you to note that we are aware that many of the matters relevant to this DCO application often need to be considered in multiple different ways, and there may be cross cutting issues. Please note that today's agenda is for guidance only. We may add other issues for consideration. As we progress, we will seek to allocate sufficient time to each issue to allow proper consideration of them. Should the should the consideration of the issues take longer than anticipated, it may be necessary to prioritize matters and defer some of the topics to further written questions, as this is a virtual event, we we will join for short breaks at convenient points, and you can stay logged into the teams throughout the break. But please be assured that you can switch your camera, switch your camera off, and mute your microphones. If you are watching the live streaming, you will need to refresh the live streaming and the web page to continue watching the live streaming after any break. If you do lose connection, use the same link that you used this morning to log on, and the case, team will endeavor to reconnect you as soon as possible. Should you experience any problem with the live streaming or the a digital recording of the event will be published on the national infrastructure web page as soon as reasonably practical after the event has ended. It is important we get the right answer the questions that we are asking, we reiterate that this is predominantly a written process. Therefore, if you cannot answer the question that you have been asked or require time to get the information requested, then rather than giving a restricted or potentially incorrect answer, could you please indicate that you need to respond in writing? We can then defer the response, either to an action point or to the next round of written questions or a later point in time, if possible, within the time scales of the remaining examination period in the anticipation, in the anticipated time scales for the hearing, it is clear to us that the agenda is full ambitious, and we will highlight the and we would highlight the examining authority may ask questions and or make comments as we go through the various aspects of today. The published agenda also asks the applicant to know any action points arising from the hearing as they are emerging at the close of the meeting, we will ask the applicant to summarize those action points and share them on screen if possible, or read them out verbally so that we can check that they are accurate. The assumption is that the post hearing actions will be expected to be submitted by the next deadline, which is deadline six a Wednesday, the 22nd of January. 2025 however, acknowledging



any resource constraints on your your end, if you feel that the meeting at if you feel meeting that deadline will be difficult for you, then please raise that at the hearing itself, so that we can accom. A date, an alternative time in the action list. Finally, for the purposes of identification, for the benefit of those who may be listening to the digital coordinator, could we please ask that every point in which you speak, you please give your name in the organization you're representing, or if you're an individual that who, if you're representing an individual who that represent that individual is also please ensure that you speak loudly and clearly when making your submissions, before we move on to dealing with the items dealing in the agenda today. Are there any questions about today's hearing on the procedural side of the hearings I'm gonna get, I'm I'm getting no indication there. I've got an issue here. I am going to pause for five minutes and adjourn the meeting for a brief session. I it's 1026 now I'm going to adjourn until 1030 Thank you. Thank.