

Planning Act 2008 – Section 92

Application by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited for an Order Granting Development Consent for the Net Zero Teesside Project.

Agenda for Compulsory Acquisition Hearing 2 (CAH2)

Date: Wednesday 13 July 2022

Time: 10:00am,
Room opens / Arrangements Conference from 9:30am

Venue: Virtual Event (Microsoft Teams) and
Jury's Inn Hotel, (Carlton, Dinsdale & Eston Rooms), Fry
Street, Middlesbrough, TS1 1JH.

Access and Parking: Limited free on-site parking with public car parks nearby.

Background

All Interested Parties and Affected Persons are invited to attend Compulsory Acquisition Hearings but as this is a blended event it would assist with the running of the hearing if you could let the Inspectorate's Case Team (NetZeroTeessideProject@planninginspectorate.gov.uk) know if you wish to participate in the hearing and if you wish to attend in person, or virtually through Microsoft Teams, so that the relevant instructions can be sent for you to join the event. The event will also be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure website closer to the event date.

The hearing venue will be open 30 minutes prior to the start of the hearing to enable a prompt start. Hearings will finish as soon as the Examining Authority (ExA) deems that all those present have had their say and that all matters have been covered.

Guidance under the Planning Act 2008 (PA2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required.

The following agenda is indicative and may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussion which are not on the agenda. They will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.



The Planning Inspectorate

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

All Interested Parties and Affected Persons are welcome to attend the hearing and are entitled to make oral representations. This is subject to the ExA's power to control the hearing in the interests of efficient use of time.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets [].

Please note that this Agenda was based on submissions up to and including D3. It therefore reflects the following documents: Land Plans [AS-146], Crown Land Plans [AS-147], draft Development Consent Order (dDCO) [REP2-002], Book of Reference [REP2-005], CA Schedule [REP3-009]. Nevertheless, CAH2 will address any subsequent revisions to these documents and any further relevant submissions on CA matters submitted at D4.

The following parties in particular are invited to attend because their submissions raise issues that the ExA may wish to explore at the hearing:

- **Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the Applicants)** – including representatives of the Applicants who are in a position to discuss the matters on the agenda;
- **The Crown Estate;**
- **Affected Persons and Statutory Undertakers** whose land and/or rights are affected and who wish to object to the application on the basis that the Applicants have not complied with the relevant legal tests, policy and guidance in respect of the Application in general. These include but are not limited to:
 - South Tees Development Corporation (STDC)
 - Air Products
 - Anglo American
 - CATS North Sea Limited
 - CF Fertilisers UK Limited
 - Exolum Seal Sands
 - Huntsman Polyurethanes (UK) Limited
 - INEOS Nitriles UK Limited
 - INEOS UK SNS Ltd
 - National Grid Electricity Transmission plc
 - National Grid Gas plc
 - Network Rail Infrastructure Limited
 - North Tees Land Limited
 - Northumbrian Water Limited
 - NPL Waste Management Limited



- PD Teesport Limited
 - Redcar Bulk Terminal Limited
 - Sembcorp Utilities (UK) Limited
 - SABIC UK Petrochemicals Limited
- **Redcar and Cleveland Borough Council (RCBC) and Stockton on Tees Borough Council (STBC)** are also invited to attend in their role as land owners, Local Planning Authorities and Highway Authorities.

Agenda

1. Welcome, introductions and arrangements for the Hearing

- The ExA will welcome participants, lead introductions, and address housekeeping matters. The public livestream and recording will start.

2. The Purpose of the Hearing

- The ExA will explain the purpose of the Hearing and the range of topics which will be covered.

3. Compulsory Acquisition Schedule [REP3-009]

- The ExA will set out their suggested amendments to the table in the Compulsory Acquisition Schedule to simplify it, and provide the 'at a glance' information that the ExA require throughout the Examination.

4. Compulsory Acquisition - Section 122 of the Planning Act 2008 (PA2008)

- The Applicants are asked to provide a brief update on the progress of negotiations and deadline for their conclusions; and
- Affected Persons in attendance and wishing to speak in relation to an objection or issue raised that is relevant to the effects of the Proposed Development are to briefly set out any outstanding concerns that haven't already been discussed.

5. Temporary Possession (TP) or Compulsory Acquisition (CA)

- The Applicants are asked to set out the criteria that it used in determining whether to seek the use of TP rather than CA of land and rights; and
- The Applicants are asked to provide an update on any amendments to use of TP or CA since the start of the Examination.



6. Crown Land - Section 135 of the PA2008 (Article 43 of the dDCO)

- The Applicants are asked to provide a brief update on the progress of negotiations with the relevant Crown Authorities and deadline for their conclusion.

7. Statutory Undertakers' Protective Provisions - Section 127 of the PA2008 (Articles 33 and 41, and Schedule 12 Parts 1 to 3 of the dDCO)

- The Applicants are asked to confirm the identity of which of the Affected Persons listed in the Book of Reference [REP2-005] are classified as Statutory Undertakers, and to whom Parts 1 to 3 of the dDCO would apply;
- The Applicants are asked to explain the need for and content of any bespoke Protective Provisions for the aforementioned Statutory Undertakers included in Schedule 12 Part 4 to Part 24 of the dDCO;
- The Applicants are asked to summarise any outstanding matters arising from representations by such Statutory Undertakers;
- Any Statutory Undertaker or other relevant body in attendance and wishing to speak in relation to an objection or issue raised that is relevant to the effects of the Proposed Development on its undertaking, apparatus or land will be invited to put oral submissions to the ExA; and
- The ExA may ask questions of the Statutory Undertaker or other relevant body, and the Applicant, about matters arising from written and oral submissions.

8. Review of issues and actions arising

9. Any other business

10. Closure of the Hearing