



Planning Inspectorate

Planning Act 2008 – Section 92; The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 - Regulation 15.

Application by H2 Teesside Limited for an Order Granting Development Consent for the H2Teesside Project

Agenda for Compulsory Acquisition Hearing 2 (Virtual):

Hearing	Date and Time	Location
Compulsory Acquisition Hearing (CAH) 2 (CAH2) and to allow any Additional Interested Party or Additional Affected Person, as a result of the accepted Change Request (CR), to make oral representations on the matters previously discussed at CAH1	Monday 13 January 2025 Virtual Arrangements Conference from: 9:30am Hearing starts: 10:00am	By virtual means using Microsoft Teams. Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.
A preliminary agenda was published as Annex C to the Examining Authorities Rule 8(3) and 13 letter issued on 9 December 2024 [PD-017]. This detailed agenda differs only in the amendment of agenda item 5(iv) and the addition of six sub-items in agenda item 5. All other text remains unchanged. The joining instructions remain as set out in Annex C of the Examining Authorities Rule 8(3) and 13 letter issued on 9 December 2024.		

Purpose of the CAH1

CAH2 is being held for the ExA to examine the Applicants case for CA and TP and for APs, who have registered to speak, and the Applicant to make oral representations about those matters. Please note that the ExA will not accept representations at CAH2 in the form of video or audio recordings.

The Hearing will be a virtual event. Participants may join online using the Microsoft Teams platform. Should you wish to observe virtually in real time, then you will be able to access a public livestream on the project webpage of the National Infrastructure Planning website. For those who choose to observe CAH2 later, after the Event has closed, a digital recording of the event will be made available as soon as reasonably possible. This will also be published on the project webpage of the National Infrastructure Planning website. Any APs/ IPs wishing to respond to any matters raised

from observing CAH2 (real time or otherwise) should do so in accordance with the details specified in our letter and Annex B above.

Agenda and Participation at the CAH1

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

Subject to the ExA's power of control over the conduct of the CAH2, it will invite relevant parties to make an oral submission at the appropriate point in the agenda. Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of these issues take less time than anticipated, the ExA may conclude the CAH2 as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions. Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an AP has had a fair chance to put its case.

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

Attendees: APs who have pre-registered.

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

- Air Products (Air Products Public Limited Company (Plc); Air Products (BR) Limited (Ltd); Air Products Renewable Energy Ltd; and Air Products Chemicals Teesside Ltd);
- Anglo American;
- BOC Ltd;
- CATS North Sea Ltd/ Kellas Midstream Ltd;
- CF Fertilisers UK Ltd;
- Hartlepool Borough Council;
- Industrial Chemicals Ltd;
- H2NorthEast Ltd;
- INEOS Nitriles (UK) Ltd;

- Lighthouse Green Fuels Ltd;
- National Grid Electricity Transmission Plc;
- National Gas Transmission Plc;
- Natara Global Ltd;
- Navigator Terminals Ltd;
- Northern Powergrid Plc;
- Northumbrian Water Ltd;
- NSMP Entities (Northern Gas Processing Ltd/ Teesside Gas Processing Plant Ltd/ Teesside Gas and Liquids Processing);
- PD Teesport Ltd;
- Mrs S. Peel;
- Redcar Bulk Terminal Ltd;
- Redcar and Cleveland Borough Council;
- SABIC UK Petrochemicals Ltd;
- Sembcorp Utilities (UK) Ltd;
- South Tees Group;
- Stockton-on-Tees Borough Council; and
- Venator Materials Ltd.

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

The ExA has sought to provide sufficient detail to assist APs/ IPs to prepare for CAH2. The details set out above are indicative and the ExA may find it necessary to amend the agenda by including additional agenda items; amending agenda items, including the order in which items are dealt with; or excluding agenda items.

Please Note: In order to ensure timely publication of this preliminary agenda, it was drafted prior to Deadline 5 (Wednesday 18 December 2024). Consequently, the ExA may need to adjust this preliminary agenda no later than 5 days prior to CAH2 taking place or at the meeting to allow for responses or additional submissions received after Deadline 5.

Timing

The Event will be open 30 minutes prior to the start of CAH2 to enable a prompt start. The ExA will keep to the agenda as much as possible and CAH2 will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. However, anyone who is not able to provide all their oral submissions by the close of the hearing should follow it up in writing prior to the next Deadline, which will be Deadline 6A (Wednesday 22 January 2025). CAH2 is not expected to go beyond 5pm.

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

Registration Process

APs/ IPs who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at 10.00am those attending virtually should join promptly at 9.30am to ensure that all virtual attendees can complete the Registration Process in good time.

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

Agenda items

1	Welcome, introductions, arrangements and purpose of the Hearing. The ExA will welcome participants, lead introductions, and go through some housekeeping matters. The ExA will also explain the purpose of the Hearing.
2	Applicant to provide an update to its case for Compulsory Acquisition (CA) and Temporary Possession (TP) in the light of its accepted CR.
2(i)	In the light of the accepted CRs, Applicant to take up to 10 minutes to provide an update of: <ul style="list-style-type: none">• its overall approach to CA and TP in the context of the relevant tests under the Planning Act 2008 and DCLG Guidance (<i>Planning Act 2008, Guidance related to procedures for the CA of land, DCLG, September 2013</i>);• the purpose, structure and content of the Book of Reference, the Statement of Reasons and the Funding Statement; and the powers sought and the overall case for them being granted.
2(ii)	The ExA may ask further questions.
3	Change Request
3(i)	The Applicant to provide a summary of the CR, including, but not restricted to: <ul style="list-style-type: none">• the need for and impact of the change;• additional and reduction in land required to be compulsorily acquired;• impact on TP; and• consultation approach, feedback and any changes made pursuant of the consultation.
3(ii)	In accordance with Regulation 15(2) of the Infrastructure Planning (CA) Regulations 2010, the ExA will invite any additional Affected Person (AP), and/ or additional Interested Party (IP) to make oral representations on the proposed provision for the CA of additional rights over land set out in

	the Applicants' accepted CR; this will include any Additional Affected Persons.
3(iii)	The ExA may ask further questions or invite more oral submissions.
4	Individual objections, issues and voluntary agreements
4(i)	<p>The Applicant will be asked to provide a brief update on the progress of negotiations into CA and TP of land and rights since CAH1, and deadlines for conclusions of any associated voluntary agreements.</p> <p>Each AP registered to speak will be asked to provide an update of its objection/ concern and summary of negotiations.</p>
4(ii)	The ExA may ask more questions or invite more oral submissions.
5	Update following CAH1 and the ExA's Second Written Questions
5(i)	<p>Diligent enquiry:</p> <ul style="list-style-type: none"> • The Applicant is to summarise the steps to be taken to identify any unknown parties or interests during the Examination, if this has changed since CAH1. • The Applicant is to provide further update of diligent enquiries since CAH1, especially regarding its approach to identifying "Unknown Ownerships".
5(ii)	<p>Statutory Undertakers land.</p> <p>The Applicant will be asked to summarise any outstanding land and rights matters and matters relating to Protective Provisions for Statutory Undertakers if not previously discussed.</p> <p>Any Statutory Undertaker or other relevant body in attendance and wishing to speak in relation to an objection or issue raised that is relevant to the effects of the Proposed Development on its undertaking, apparatus or land will be invited to put oral submissions to the ExA.</p>
5(iii)	The Applicant is to provide an update with regard to Crown Interests.
5(iv)	<p>The Applicant is to provide an update on progress regarding Special Category Land. Any AP affected by the change to Cowpen Bewley Open Space land may provide an update.</p> <p>The Applicant will be asked to give further explanation regarding the need for access to the north of the Cowpen Bewley AGI, which is primarily plot 4/24, and why the proposed access to the south of the existing AGI is not sufficient.</p>
5(v)	Further to the response to ExQ2.17.8 [REP5-050] the Applicant and Stockton-on-Tees Borough Council will be asked for further explanation of the need to compulsorily acquire rights on public highway.

5(vi)	The Applicant to update the ExA on the progress with design refinement of the pipeline route options in the area south of Cowpen Bewley, previously referred to as the 'coffee cup handle' options.
5(vii)	Further to the response to ExQ2.6.15 [REP5-044] and details contained in the Order Width Limit Explanatory Note [REP2-037] the ExA will ask further questions regarding the design progression after the close of the Examination and ongoing land requirements, in particular with regard to the width of pipeline corridors.
5(viii)	Further to the response to ExQ1.6.9 [REP2-024] and ExQ2.6.9 [REP5-044] the ExA will ask further questions regarding the suspension of rights, with a particular focus on maintaining access rights and how this is secured in the dDCO. The Applicant will also be asked to update the ExA on rights which may need to be suspended or extinguished.
5(ix)	Further to the response to ExQ2.1.11 and the plans contained in Appendix 5 of the Response to General and Cross Topic questions [RE5-039] , the Applicant will be asked to aid the ExA's wider understanding of how the three proposed scheme which have their main sites at the Foundry, may co-ordinate the use of pipelines and services infrastructure.
5(x)	Further to the responses to ExAs second Written Questions [RE5-039] , the ExA will ask further questions relating to the Main Site and the progress of, and relationship with, the proposed HyGreen and NetZero Teesside projects.
5(xi)	The ExA may ask further questions.
6	Any other CA or TP Matters/ Any Other Business
7	Action points arising from the Hearing.
	Applicant is to provide a summary of Action Point arising out of CAH2. The ExA: <ul style="list-style-type: none"> • will ask other Interested Parties for any comments or observations in relation to the Applicant's list of Action Points; and • consider that list of Action Points against its own notes regarding Action Points
8	Close of the Hearing