

STOCKTON BOROUGH COUNCIL

Application by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited for the Net Zero Teesside Project

The Examining Authority's written questions and requests for information (ExQ1) and associated responses are detailed below;

GEN.1.16	Interested Parties (IPs)	<p>Section 5.10 of the Framework CEMP [APP-246] describes how various tasks will be undertaken by the Environmental Site Officer and Environmental Manager / Project Manager. Are the local authorities and other regulatory bodies such as the EA content that the roles of different personnel with regard to checking and corrective action are appropriately defined?</p> <p>STBC consider the roles are appropriately defined</p>
GEN.1.37	<p>Applicants Redcar and Cleveland Borough Council (RCBC) Stockton-on-Tees Borough Council (STBC)</p>	<p>Table 3.1 of the Planning Statement [APP-070] and the Long and Short Lists of Developments Table 24-5 and Figures 24-2 and 24-3 [APP-106, APP-235 and APP-236] include a number of relevant development proposals in the vicinity of the Order Limits which were known as of March 2021. The Relevant Planning Authorities (RPAs) are asked to:</p> <ul style="list-style-type: none"> i) Provide an update to the status of the referenced planning applications including whether a decision has been made and development timescales, in particular whether development has commenced; <ul style="list-style-type: none"> 78 14/1106/EIS Port Clarence Energy Ltd - Full planning application: Proposed 45MWe renewable energy plant: Land At Grid Reference 450674 521428 Port Clarence Road Port Clarence – Complete With reference to APP-235 and APP-236 (the maps can you direct me to the list of application referred to ii) List details of any additional relevant planning applications and Development Consent Orders (DCOs) which have been submitted since production of the Planning Statement (March 2021); and <ul style="list-style-type: none"> • 22/1239/FUL Application for proposed substations, new compound to house switchboard/building and transformers with associated works to include access, hardstanding and lighting and erection of 2.4 metre high site perimeter security palisade fence. Undetermined

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		<ul style="list-style-type: none"> • 21/1071/FUL Port Clarence Energy Limited Proposed extension to the existing reception hall for the creation of new receiving bay and bunker and change in feedstock to residual waste. Approved 13.07.2021 • 21/1321/FUL Navigator Terminals North Tees Inland Terminal Construction of 2no storage tanks complete with a bunded area and associated infrastructure. Approved 07.07.2021 • 21/2559/FUL Kd Pharma Proposed new process hall, utility area and associated access.Seal Sands Approved 26.11.2021 • 22/0064/FUL Teesside Gas Processing Plant Provision of on shore gas compression facilities with ancillary infrastructure Approved 06.05.2022 • 22/0339/FUL Navigator Terminals North Tees Installation of 5no. pressurised liquified petroleum gas (LPG) and 1no. pressurised storage vessels with a new road tanker loading area and associated infrastructure. Approved 28.06.2022 • 22/1097/FUL Conocophillips (U.K.) Teesside Operator Ltd Application for proposed new 11KV substation to include access and walkways, upgrade of existing transformer pen and associated external Approved 7.7.2022 • 21/0848/FUL Land West Of Exwold Technology Limited Erection of waste pyrolysis plant building (plastics to fuel facility) to include apparatus, hardstanding, access and associated works Approved 13.09.2021
AQ.1.5	EA/ NE RCBC STBC	<p>It is stated that the construction phase is anticipated to last around 4 years (paragraph 8.13.17 of the ES) [APP-090] and emissions of nitrogen dioxide (NO₂) and particulate matter less than 10 micrometres in diameter (PM₁₀) will be generated during this period from on-site construction plant. The assessment encompasses a distance of 200 m from roads.</p> <p>Are EA/ NE content that 200 m is an appropriate distance for this assessment in the context of nearby protected sites? Do you have any other observations to make on Appendix 8A [APP-247]?</p> <p>RCBC and STBC are asked to confirm whether this is an appropriate distance for protection of ecological and human health receptors? Are there any other observations which RCBC and STBC wish to make on Appendix 8A [APP-247]?</p>

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		STBC considers this an appropriate distance and no further observations are made
AQ.1.13	Applicants EA/ NE RCBC STBC	<p>The assessment of cumulative effects described in Annex B of Appendix 8B [APP-248] suggests that the predicted environmental concentration (PEC) would increase to 72% of the critical load and would therefore exceed the threshold for significance for NO_x at Teesmouth and Cleveland Coast SPA, SSSI and Ramsar.</p> <p>Paragraph 8.6.17 of Appendix 8B [APP-248] states that emissions would be regarded as insignificant if less than 70% of the critical level. The Applicants are asked how can this be resolved with the conclusion that 72% is not significant in Annex B?</p> <p>EA/ NE/ RCBC/ STBC are asked to comment on the Applicants' conclusion that because the predicted NO_x concentration remains below the critical level it is not significant.</p> <p>STBC cannot respond to this question with any expertise and defer to the EA</p>
AQ.1.14	EA/ NE RCBC STBC	<p>Paragraph 8.6.18 of Appendix 8B [APP-248] states that the impact of stack emissions can be regarded as insignificant at sites of local importance if the long and short term Process Contribution is less than 100% of the critical level.</p> <p>Do the named parties have any comments to make on this threshold?</p> <p>STBC have no comments and defer to the EA</p>
AQ.1.16	EA/NE RCBC STBC UK Health Security Agency	<p>Appendix 8B [APP-248] describes the approach taken to the assessment of the effects of the development on air quality during the operational phase.</p> <p>Do the named parties you have any additional comments that you would like to bring to the ExA's attention regarding the overall approach?</p> <p>Given the scale of works in STBC area, the approach is acceptable and have no additional comments.</p>
COMPULSORY ACQUISITION AND TEMPORARY POSSESSION		
CA.1.4	RCBC STBC	<p>Are the RPAs in their role as the Local Planning Authority and the Highway Authority aware of:</p> <ul style="list-style-type: none"> i) any reasonable alternatives to CA or TP sought by the Applicant; and ii) any areas of land or rights that the Applicant is seeking the powers to acquire that they consider would not be needed?

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		STBC are not aware of alternatives or land that would not be needed
DESIGN, LANDSCAPE AND VISUAL		
DLV.1.4	Applicants RCBC STBC	<p>No specific requirement for monitoring of the quality of the materials and finishes during construction is identified in the dDCO [AS-135], DAS [APP-190], ES Chapter 17 [APP-099] or ES Volume 3, Appendix 25A [APP-347].</p> <p>Can the Applicant:</p> <ul style="list-style-type: none"> i) Explain what process would be in place for monitoring the quality of materials and finishes as the proposed buildings and structures are constructed to ensure that the design quality envisaged in ES Chapter 17 [APP-099] is attained? <p>Can RCBC and STBC:</p> <ul style="list-style-type: none"> ii) Provide comment on the need to have a mechanism in place for monitoring of materials and finish quality during the construction period? <p>STBC consider this to be not applicable for the development in STBC area</p>
DLV.1.7	Applicants RCBC STBC Hartlepool Borough Council (HBC)	<p>ES Chapter 17 [APP-099] section 17.4 and ES Appendix 17A [APP-335] set out the baseline conditions, including an assessment of landscape and seascape character. The baseline is informed by local Landscape Character Assessments (LCAs) prepared by RCBC, STBC and HBC.</p> <p>The RPAs are requested to confirm:</p> <ul style="list-style-type: none"> i) If they are satisfied with the assessment of the baseline conditions including the description of the site and its setting as set out in paragraphs 17.4.34 to 17.4.41 of Chapter 17 [APP-099]; and ii) Are any amendments needed to reflect changes since it was produced, including demolition and new buildings or infrastructure?? <p>STBC is Satisfied and no significant changes that need to be considered</p>
DLV.1.8	RCBC STBC HBC	<p>A range of viewpoints are listed at Table 17-1 of ES Chapter 17 [APP-099] and illustrated in Figures 17-7 to 17-30 [APP-181 to APP-228], the locations of which are shown at Figure 17-6 [AS-123].</p>

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	MMO	<p>i) Did RCBC, STBC and HBC all agree the viewpoints at pre-application stage?</p> <p>ii) Are the authorities satisfied with the list of viewpoints listed in Table 17-1?</p> <p>iii) Are the authorities satisfied with the quality of the visuals provided?</p> <p>iv) Do the authorities consider them to be representative of locations for sensitive receptors including tourists and recreational users?</p> <p>v) Should night-time visuals of certain viewpoints be produced?</p> <p>vi) Further to the above, can you suggest any additional viewpoints (including any outside of the study area) and/ or amendments to the existing viewpoints necessary?</p> <p>MMO:</p> <p>vii) Are any viewpoints of the seascape necessary? If so, from where?</p> <p>Could all RPAs:</p> <p>viii) Provide any comments they have on the conclusions of the assessment of likely significant effects arising landscape and visual impacts as presented in section 17.6 of ES Chapter 17 [APP-099].</p> <p>STBC are happy with the information provided and have nothing further to add. STBC agree with the conclusions made</p>
GEOLOGY, HYDROGEOLOGY AND LAND CONTAMINATION		
GH.1.1	Applicants EA RCBC STBC	<p>Chapter 10 of the ES [APP-092] states that ground investigation will take place in Q2/Q3 of either 2021 or 2022. Annex A of Appendix 10A [APP-292] shows the proposed preliminary exploratory hole locations.</p> <p>i) Are the EA and LPAs content with the proposed locations and scope of the preliminary investigation outlined in Annex A of Appendix 10A [APP-292]?</p> <p>STBC are content with the details outlined in Annex A of Appendix 10A</p>
GH1.3	Applicants EA RCBC STBC	<p>Paragraph 10.6.4 [APP-092] states that assessment of the significance of impacts will take into account the principles of assessment in CIRIA Report C552 (2001) and the EA's Guiding Principles for Land Contamination (2010). Appendix 10C [APP-294] and Table 10A-28 of Appendix 10A [APP-293] contain an environmental risk assessment.</p>

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		<ul style="list-style-type: none"> i) The Applicants are asked to explain how the risk assessments take into account the EA's Guiding Principles for Land Contamination. ii) Please could all parties confirm that these are the most up to date and appropriate approaches for undertaking an assessment of the risks to controlled waters and human health iii) If this is not the case, then the Applicants should justify why it has taken this approach. <p>STBC understand that these are the most up to date and appropriate approaches</p>
GH1.7	Applicants RCBC STBC	<p>Paragraph 10.4.17 of the ES [APP-092] states that 7 nearby mineral sites are 'highly unlikely' to resume extraction and 2 sites may require new planning permission.</p> <ul style="list-style-type: none"> i) Can the Applicants provide the evidence for this conclusion and a map showing the location of all of these sites? ii) Do the local authorities agree with this assessment of the future of these sites? <p>STBC Agree although the Andydrite mines new permission expired</p>
HISTORIC ENVIRONMENT		
HE.1.3	Historic England RCBC STBC HBC	<p>ES Chapter 18 Archaeology and Cultural Heritage [APP-100] section 18.6 refers to likely impacts and effects on a number of non-designated heritage assets within the Order Limits. ES Figure 18-2 [APP-230] indicates the location of non-designated heritage assets within the 1km study area. ES Appendix 18B [APP-339] at Table 18.5 includes a gazetteer of these non-designated heritage assets.</p> <p>Historic England, RCBC, STBC and HBC (archaeology) are asked to confirm:</p> <ul style="list-style-type: none"> i) Is the 1km study area sufficient? STBC agree ii) Do Figure 18-2 and ES Appendix 18B provide an accurate and up-to-date record of non-designated heritage assets within the site and 1km study area? Are there any others that should be added? STBC agree accurate and no others need adding iii) Is the Applicants' assessment of impacts to the non-designated heritage assets within the site boundary at section 18.6 of the ES acceptable STBC agree

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		<p>iv) Would R14 of the dDCO be appropriate in safeguarding any known and unknown archaeological features, and if not please suggest amendments to the wording? STBC have no comment and Tees Archaeology would be more appropriate to respond</p>
HE.1.4	<p>Historic England RCBC STBC HBC</p>	<p>ES Chapter 18 Archaeology and Cultural Heritage [APP-100] paragraph 18.3.11 notes that a 5km study area has been applied for designated heritage assets, and a 1km search area for non-designated assets. These are illustrated in ES Figures 18-1 [APP-229] and 18-2 [APP-230]. ES Appendix 18B [APP-339] includes a gazetteer of the heritage assets.</p> <p>Section 18.6 of APP-100 sets out that there are no designated heritage assets within the Order Limits and refers to likely impacts and effects on a number of non-designated heritage assets within the site.</p> <p>RPA's and Historic England are asked to respond to the following:</p> <p>i) Whether the 1km and 5km study areas are sufficient; STBC agree</p> <p>ii) Whether Figures 18-1, 19-2 and Appendix 18B provide an accurate and up-to-date record of heritage assets within the site and study areas; STBC agree</p> <p>iii) If not, are there any other heritage assets that should be added?; NONE</p> <p>iv) Whether the Applicants' assessment of impacts to the assets within the site boundary at section 18.6 of the ES is sufficient. In particular, paragraphs 18.6.14 to 18.6.24 relating to setting of nearby designated heritage assets. Has their significance been adequately identified, and has the effect on their setting and significance been adequately assessed?; and STBC agree</p> <p>v) Would R14 of the dDCO be appropriate in safeguarding any known and unknown archaeological features? If not, please suggest amendments to the wording. STBC have no comment and Tees Archaeology would be more appropriate to respond</p>
PLANNING POLICY AND LEGISLATION		
PPL.1.1	<p>RCBC STBC</p>	<p>Table 6.4 at section 6 of the Planning Statement [APP-070] lists the relevant development plan policies.</p>

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		<p>Can RCBC and STBC:</p> <ul style="list-style-type: none"> i) Provide to the Examination full copies of any Development Plan policies that have or will be referred to in any submissions. ii) Confirm whether there been any relevant updates to the statutory Development Plan since the compilation of the application documents? iii) Provide copies of any relevant Supplementary Planning Documents. iv) Confirm whether there are any relevant made or emerging neighbourhood plans that the ExA should be aware of, and if so provide details. v) Confirm whether the Applicants' policy analysis set out in Table 6.4 of the Planning Statement [APP-070] is acceptable? <p>To follow</p>
PPL.1.4	Applicants RCBC STBC	<p>The current 2021 version of the NPPF has been published since the application documents were produced.</p> <p>Can the Applicants and RPAs confirm whether there would be any implications for the application arising from the July 2021 revision of the NPPF?</p> <p>STBC do not consider there to be any implications</p>
PPL.1.6	Applicants RCBC STBC	<p>In September 2021, as part of a review of the energy NPSs, the Government published draft NPSs EN-1 to EN-5 for consultation.</p> <ul style="list-style-type: none"> i) Do these change the analysis of policy set out in the application documents, particularly the Planning Statement and the relevant sections of the ES? If so, are revised versions required for the Examination? ii) In particular, is there any information within them which is important and relevant to the SoS's decision on applications for Carbon Capture infrastructure? <p>STBC consider that revised versions are not required</p>
PPL.1.7	Applicants RCBC STBC	<p>Are there any other new documents, updates or changes to Government Policy or Guidance relevant to the determination of this application that have occurred since it was submitted?</p> <p>If yes what are these changes and what are the implications, if any, for the application?</p>

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		STBC do not considered any significant changes have occurred
PPL.1.8	Applicants RCBC STBC	The Environment Act passed into law on 9 November 2021. While many of its provisions await detail and implementation, does this have any implications for the application documentation submitted for the Proposed Development? STBC consider that there are no implications at this stage
PPL.1.9	RCBC STBC All IPs	Section 3 of the Project Need Statement [APP-069] refers to the UK energy and climate change policy. i) Do you have any observations on the Applicants' analysis of energy and climate change policy? ii) Do you have any comments relating to other new documents or updates or changes to relevant Government Policy or Guidance on climate change which is relevant to the determination of this application that has been published since submission? STBC have no comments to make
SOCIO-ECONOMICS AND TOURISM INCLUDING MARINE USERS		
SET.1.1	RCBC STBC UK Health Security Agency	ES chapter 20 [APP-102] at paragraphs 20.3.10 to 20.3.16 defines a Study Area for the socio-economic assessment. i) Is the extent of the Local Super Output Areas and Travel to Work Areas identified in the document reasonable or does it need to be drawn wider? ii) Is the assessment of socio-economic baseline conditions set out at section 20.4 [APP-102] acceptable or does anything further need to be included? STBC consider it reasonable and nothing further needs adding
SET.1.3	RCBC STBC	Further to the question above, section 20.6 of ES Chapter 20 [APP-102] and Appendix 20A (Economics Benefits Report) [APP-340] set out the estimated employment opportunities arising from the Proposed Development. i) Provide comments on the estimated employment figures. Are they reasonable having regard to the assumptions on the TTWA, displacement, and multiplier of 1.85 (paragraph 20.6.10 and footnote 1)?

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		<p>ii) Is the assessment of employment reasonable when compared to other major and infrastructure projects which you are aware of in the area?</p> <p>Given the scale of works in STBC area, the information is reasonable.</p>
SET.1.6	RCBC STBC HBC	<p>A range of tourism and recreational destinations and activities in the area are set out at paragraphs 20.4.23 to 20.4.25 of ES Chapter 20 [APP-102]. Paragraph 20.6.28 and Table 20-8 summarise potential impacts on tourism to be negligible adverse during the construction phase.</p> <p>i) Do paragraphs 20.4.23 to 20.4.25 of the ES adequately describe the baseline so that effects on tourism and recreational users can be fully assessed? Are there other destinations which have been omitted that might be affected, in particular by the PCC Site?</p> <p>ii) Should tourism and recreational destinations north of the Tees be assessed?</p> <p>iii) If any additional tourism and recreational destinations are identified, please provide a plan to show their locations.</p> <p>iv) Is the Applicants’ assessment that potential impacts on tourism would be negligible adverse during the construction phase only reasonable? Should any effects during operation be considered?</p> <p>Given the scale of works in STBC area, the information is reasonable.</p>
SET.1.8	RCBC STBC	<p>R29 of the dDCO [AS-135] relates to the establishment of a local liaison group. Could the RPAs:</p> <p>i) Provide comment on this requirement in terms of whether it would meet the aims of keeping the community informed of the construction;</p> <p>ii) Confirm whether they would take an active role in such a group; and</p> <p>iii) Provide examples of where such groups have been established successfully for other major developments in the locality.</p> <p>Given the scale of works in STBC area, the suggestion is reasonable and STBC would have a role if required. There was one group for the Landfill site but this has not been running for a number fo years.</p>

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TRAFFIC AND TRANSPORT		
TT.1.4	Highways England Highways Authorities	<p>The methodology, baseline data and assessment of for assessment of the potential effects of the Proposed Development on traffic and transport are set out in Chapter 16 [APP-098].</p> <p>Highways England and the Highways Authorities are asked:</p> <ul style="list-style-type: none"> i) Whether the methodology, baseline data and assessment are acceptable? ii) Whether junction surveys at MCC1, MCC2, MCC3 over one day are sufficient to provide a reliable measure of baseline conditions? iii) Is Highways England now satisfied with the junction capacity assessments in the vicinity of the site? iv) Paragraph 16.4.18 of the ES [APP-098] states that a quantitative assessment of operational traffic, which would include a predicted 200 additional staff for approximately 3 months during outages, has not been undertaken. Are Highways England and the Highways Authorities satisfied with this approach? <p>Given the scale of works in STBC area, the information is reasonable.</p>
TT.1.5	Highways England Highways Authorities	<p>Are Highways England and the Highways Authorities content that Chapter 16 [APP-098] and associated framework plans form an appropriate basis for the 'Construction traffic management plan' and 'Construction workers travel plan' as written?</p> <p>If not, please provide details of your concerns.</p> <p>Given the scale of works in STBC area, the information is reasonable.</p>
TT.1.7	Applicants Highways England Highways Authorities	<p>Confirm that the list of other 'committed developments', and additional traffic generated referred to in paragraphs 16.4.23, 16.4.24 and Table 16-10 [APP-098] are up to date and that it is still appropriate to omit the developments in Table 16-A-44 of Appendix 16A.</p> <p>STBC consider the information for STBC area to be up to date</p>

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WATER ENVIRONMENT		
WE.1.4	RCBC STBC	<p>Confirm whether the plans and projects used in the assessment of cumulative effects on the water environment, identified in paragraph 9.9.1 of ES Chapter 9 [APP-091] are acceptable.</p> <p>STBC consider the information for STBC area to be acceptable</p>
WE.1.14	Applicants EA Lead Local Flood Authorities (LLFAs)	<p>Paragraph 9.4.21 of the ES [APP-091] states that parts of the site are in Flood Zones 2 and 3 and a sequential test has been undertaken, as described in paragraphs 9.6.16 to 9.6.31 of Appendix 9A of the ES [APP-250]. Paragraph 9.6.21 of the ES [APP-250] states that all of the alternative sites listed are entirely in Flood Zone 1. Although reasons are given why the current site is preferable overall, this section does not explain why the other sites were not viable alternatives in the context of the flood risk.</p> <ul style="list-style-type: none"> i) Please provide an update to the flood risk assessment in light of the change request. Do any Above Ground Installations or work areas remain within Flood Zones 2 and 3? ii) Explain why the current site is preferable in the context of the sequential test and how the sequential test is passed. iii) The assessment should clearly separate out the components of the sequential and exception tests. <p>With regard to test 3 of the exception test (project safety), are the EA and LLFAs content that the development has been demonstrated as safe for its lifetime and that the Flood Emergency Response Plan is appropriate?</p> <p>Given the scale of the works in STBC the response is acceptable</p>