

# Transcript\_ISH4\_Session1\_NetZeroTeesside\_14072022

Thu, 7/14 12:30PM • 1:25:58

00:11

So good morning. Can I check that everyone can hear me clearly both in the room and on teams.

00:19

Thank you.

00:21

The time is now 10 o'clock and this issue specific hearing on environmental matters in relation to the application made by net zero to site power limited and Net Zero storage limited for the proposed net 02 side project is now open.

00:38

Can casein confirm the live stream and recording as the event has commenced, please?

00:43

Thank you.

00:45

My name is Kevin Gleason. I'm a chartered town planner and planning inspector employed by the planning Inspectorate. I've been appointed by the Secretary of State for levelling up housing and communities to be the lead member of the panel examining this application.

01:01

Today I'll be addressing the management of the event, introductions and taking notes when the actions I'd now like to ask my colleagues to introduce introduce themselves.

01:12

Good morning. My name is Susan Hunter. I'm also a charter town planner, I've been appointed by the Secretary of State's be a member of the panel of inspectors to examine this application. Now I'll be leading the discussion on design and landscape visual matters today.

01:29

Good morning. My name is Beth Davis. I'm a chartered geologist and the planning inspector and I've also been appointed by the Secretary of State to be a member of the panel for the examination.

01:40

So it's kind of the we constitute the examining authority of this application. And we will be reporting to the Secretary of State for business energy and industrial strategy with a recommendation as to whether the development consent order should be made.

01:55

We're supported by a number of colleagues from the planning Inspectorate. We have checked Stephens in the tiller courses here today in Middlesboro. And Sean Evans, the case manager for the projects together with Alberto Santamaria from the case team, providing support online.

02:11

If you have any questions regarding today, or the application process in general, can you please direct people to the case team by the email address on the correspondence and they will be happy to help?

02:25

Can I confirm is if there's anyone here today who hasn't sent attended previous hearings?

02:32

Either in the room so there are people and online as well.

02:39

Okay, thank you.

02:45

So I'll ask those who have already attended hearings to be patient for next few minutes. While they're going through a few housekeeping and introductory matters, which you may have already heard.

02:58

So in addition to this in person events today in Middlesbrough, this meeting is being held on the Microsoft Teams platform is being both live streamed and recorded.

03:07

For those people observing or participating through teams. In order to minimise background noise, can you please make sure your devices are turned to silence and that you stay muted unless you're speaking?

03:20

Please use the Microsoft team's hands up function. Although Be advised, there may be a delay before we see it. And please wait to be invited to speak at the appropriate time.

03:30

Also, please note that the chat function on Microsoft Teams is not in operation for this event. If you don't like to speak, you'll so ask your question or raise your point at the relevant time in the examination

there will be an opportunity at the end of the meeting for you to raise an item under item 10 on the agenda any other business

03:53

no request has been made for any special measures or arrangements to enable participation in the hearing. But can I just check to That is correct.

04:06

I can also advise the no fire alarms or drills today. So in the event of a fire alarm, please exits fire one of the doors with green signs above them and complicates outsides in the reception area.

04:22

If you're attending virtually on teams today, the case team will have explained to you what to do if you lose connection. And were able to join for short periods if there are any more significant connection problems.

04:36

But the purpose of identification for the benefit of those who may be watching digital recording later. Can I ask this every point of which you speak. You give your name and if you're representing an organisation who it is that you represent.

04:56

We will adjourn for a short break. It's convenient points and then for lunch, Toronto

05:00

One o'clock.

05:02

If for medical reasons anyone requires a break at any specific time, could you please email the case team, we can hopefully adjust the programme to meet your needs.

05:11

So does anyone have any questions or concerns about the technology, or general management of today's event?

05:21

Thank you.

05:26

If you take part in the hearing, it's important that you understand that your comments will be recorded, and that the digital recording will be published and retained, usually for a period of five years from the Secretary of State's decision.

05:40

As such, the planning inspectorate is subject to the General Data Protection Regulation. It's very unlikely the examining authority will ask you to put sensitive information into the public domain, and would actively encourage you not to include such information when speaking.

05:57

If for some reason, you feel that it is necessary for you to refer to sensitive personal information, we would encourage you to speak to our case team in the first instance, we then explore with you whether the information could be provided in a written format, which could then be appropriately redacted before being published.

06:16

Please bear in mind that the only official record of the proceedings is the digital recording that will be placed on the websites. Social media and similar communications arising out of this meeting will not be accepted as evidence in the examination of this application.

06:35

So I'll now take introductions from participants here and middles with today and then on teams from those who've registered to speak at this hearing.

06:45

If you are a representative, please states which person or organisation that you represent any preference on how you wish to be addressed, and please speak clearly into the microphone. So if we could start with the applicants, please.

06:59

Good morning, sir. My name is Harry Woodfill, part Queen's counsel. I appear together with Miss Isabella tougher of Council. We're both instructed by Pinsent Masons on behalf of the applicants, and so there'll be a number of speakers on behalf of the applicants today to cover the specialist matters. And it may save time if I introduce them now, rather than as we go along. And given the limited number of participants, that's fine. Thank you. So I have on my right Dr. Richard Lowe, a director at AECOM. I also have to his right, Mr. Colin Turnbull, who's a Partner at DW D and a chartered town planner. To his right, Mr. Jack Bottomly, Project Engineer at BP. You'll also be hearing from two others who are sat in the front row. So there's Mr. Paul Edwards, Director of Health, Safety, Environment, and carbon at BP and also Dr. Ian Campbell. Dr. Ian Campbell, is environmental scientist at AECOM and is a chartered geologist. And I anticipate that those are the people you'll hear from during the course of the day. Thank you very much.

08:17

And local authority.

08:21

Morning, so my name is Adrian Miller. I'm head of planning and development,

08:26

currently member of council. I'm here to respond to some of the items on the agenda and to assist the examining authority in answering any questions. Thank you very much.

08:37

Any other participants in the room to think we have anyone else? So if I can go to teams and

08:46

begin with

08:49

SDDC

08:53

SES operations?

08:57

Yeah, call me sir. My name is Phil McCarthy. I'm a planning officer at literals planning consultancy. were appearing in our role on behalf of planning advisors to SBDC.

09:10

Thank you.

09:14

And

09:18

we I think we have someone from National Grid

09:25

Correct.

09:28

National Grid.

09:33

Now, we can come back to that. Are there any other participants on the call? who wish to speak?

09:42

Can't see any additional names. We can come back to that later if if anyone does

09:49

want to participate later. Okay. Thank you.

10:08

So this issue specific hearing is being held at the request of the examining authority, who wish to explore a number of matters orally in respect to various environmental matters.

10:18

The purpose of this examination is for the examining authority to examine the information submitted, both by the applicants and also by interested parties are the persons and affected persons. Such matters relate to design, landscape and visual impacts, ground conditions for water environments, and stack parameters, including air quality issues.

10:41

The discussion will enable you to answer any questions that we may have. And to ensure that we have all the information that we need to make our reports to the Secretary of State's the questions that we are going to ask today will be focused on those areas where we consider that we need further information or where we think the issues of benefits from examination orally.

11:03

The hearing today will be structured discussion that Mrs. Hanson Miss Davis will lead based on the agenda that has already been published. The purpose of today is for us to ask questions, and seek clarification on a range of matters

11:19

in environmental terms to ensure that we have all the information we need.

11:24

The first issue specific hearing was held on Tuesday 10th of May. That's high level hearing assisted the examining authority in developing an early and broad understanding the scope of the developments, by hearing did not specifically examine matters arising from the contents of individual relevant representations.

11:45

I'd like to remind you that the examination is predominantly written process. Since the first hearings we've had, we have issued our first set of written questions and receive answers from both the applicants and the range of interested parties, together with numerous written representations and responses to them at deadlines two to four.

12:06

This has enabled us to obtain a more detailed understanding of various environmental matters.

12:13

Therefore the topics which on today's agenda are limited to those where we seek a greater level of understanding and to ask questions of clarification, or seek further information from both the applicants and the interested parties present. You will see from the examination timetable, those are further round of questions and opportunities for further hearings proposed.

12:37

If there is a topic, which is not on today's agenda, or we do not examine it as fully as you may wish, at this hearing, it may be because we have the information we need in writing already. Or intending to consider it. It's another hearing, if required in September or October, or through further written questions, which will be issued on Tuesday, the ninth of August.

13:02

We've had the opportunity to consider all the documents including those submitted a deadline for last week, which are now published on the examination library.

13:12

We're familiar with the documents you've sent in. So in answering the question, you don't need to repeat the length something you've already submitted. If you want to refer to information already submitted, please use the appropriate pins examination Library Reference. And could I ask that the first time using the radiation or acronym that you give the full title as there will be people here today or watching the live stream, they may not be as familiar with the application or the documents as you are.

13:43

So I'll now turn to the agenda which is being projected onto the screens. Will 14 to the examination procedure rules requires that at the start of the hearing, the examining authority shall identify the matters to be considered at the hearing.

14:00

The agenda for these hearings was placed on the pins websites. On first of July.

14:06

Mrs. Hunter will lead the discussion on Item three, design landscape and visual matters. And Miss Davis will lead to discussions relating to ground conditions, the water environment and stack parameters at items four, five and six.

14:21

This agenda is for guidance only. We may add other issues of consideration as we progress and will seek to allocate sufficient time to ensure each issue is properly considered.

14:34

Should considerations issues take longer than anticipated, it may be necessary to stay a little later. Alternative to prioritise matters and defer others to further written questions

14:47

for the morning has been reserved in the event that all matters that we wish to examine are not covered today. However, we will take a view on the need for that later in the day.

14:59

Finally, it's simple

15:00

More than that we get the right answers to the questions that we're going to ask. This is predominantly written process. So if you can't answer the question being asked or require more time to get the information requested, can you please indicate that you need to respond in writing. We can then do further response either to an action point to be submitted deadline five, or another agreed deadline.

15:26

Then finally, it may be helpful to have to hand or open on your device copies of various documents. So, documents we've highlighted are the local impacts reports from Petco and Cleveland Borough Council. She's rep one Oh 46 And from Stockton on tees Borough Council where Cornell 47

15:47

And the latest versions of the statements of common grounds received deadline for which for retcon, Cleveland's for counsellors rep for double oh seven and for Stockton is rep for double o nine.

16:04

We've also identified the applicants response to first reading questions which is rep two Oh 16.

16:13

And any reference to the development consent order will be that submitted deadline for which is rep four double O two.

16:23

And if there's a need to

16:27

consider works plans at this meeting.

16:32

That will be referenced as 148.

16:37

We may also need to refer to Lcia submissions and visuals. and Mrs. Hunter will identify the specific requirements as she introduces her section.

16:51

So does anyone have any comments on the agenda or the procedure?

16:55

No. Good. Thank you very much. In that case, I'll hand over to Mrs. Hunt for item three.

17:04

Thank you.



17:07

Agenda item three. This relates to both design and landscape and visual considerations. And we

17:15

put them together as one item as we did in the set of first written questions which are under the DL V references. It's principally relevant to the power compression and compact and capture site which works numbers one and seven and will hereafter refer to as the PCC site, as these are the most visible aspects of the proposed developments. But it doesn't preclude any discussion relating to other works if appropriate.

17:47

We do recognise that the functionality, the technical safety aspects of the development including licencing requirements, and that they largely dictate the design of the PCC site and they are important matters. However, its visual impact and its appearance and impacts on nearby landscapes and receptors will be a key factor in our recommendations for the Secretary of State. And this has taken into account good design criteria as set out in the national policy statements. Also having regard to the national model design guide, the National Infrastructure Commission's and I see design principles for national infrastructure, and as well as the more local documents, which I'll go through shortly.

18:33

But with this in mind, we do question the design approaches and the proposed mitigation in respect to the visual effects on receptors in both the context of the industrial area in which the development is proposed, and the wider landscape.

18:51

So the first item on here is comments and observations on the landscaping visual impact assessment, including the selection of viewpoints and the effectiveness of those viewpoints and photo montages.

19:05

We've had local impact reports from both reco and Cleveland Borough Council at Red 1046 and Stockton on tees Borough Council, rep 1047. And the latest versions of the statements of common ground received at D four for retcon. Cleveland, this is rep 4007. And for Stockton, it's rep 4009 and they do indicate that both of those councils are satisfied with the approach to the LVA including the selection of viewpoints.

19:42

There's there is no local impact report or statement of common ground from Hartlepool Borough Council. And nor have they answered the dLv questions in our first set of questions which was rep four zero 38 and

20:01

Given the prominence of the site from the highly pool area, although the Hartlepool area doesn't include any of the order limits, there are visual impacts landscape impacts,

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in particular from Seaton Carew northcap.

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We will be seeking their comments in due course in further questions, Hartlepool Borough Council.

20:25

I just wanted to initially check with the applicants what level of pre application consultation was carried out with Hartley, Paul, on such matters and whether they were in agreement with the selected viewpoint locations.

20:41

Matter, I'm going to hand over to Dr. Lowe on these matters. And if he needs input from anyone else, I'll leave it to him to direct you to that.

20:56

Thank you, Richard low represented applicants. So we sought comment from Hartlepool Borough Council but didn't receive any specific comments relating to the landscape assessment or viewpoints.

21:10

As we set out in chapter 17 of the environmental statements, we did receive some comments from Stockton Borough Council, an additional two viewpoints were identified by them that we did include in the assessment

21:29

Thank you.

21:41

I've got a few questions I'd like to ask for Mr. Miller. A CCO and Cleveland Borough Council. Sorry. So yeah, but you're the only counsel here today. The the other two counsels will probably be asked further questions at further written questions. And just just to check, have you seen the visual montages and the the, the LVA that's been submitted by the applicant as part of the LV IA?

22:09

Yes, we have.

22:11

I think as a general point, the council's position. And if I read the documents correctly, it was remissive the council not to respond to the agreement of the viewpoints. And that's something that ordinarily that we would do. That said, we have no particular issue with the viewpoints that have been selected. The general approach set out in the environmental statement in terms of the landscape and visual access assessment is considered a robust analysis.

22:42

I'm aware that I think there was a debate about the viewpoints and maybe the admission of a viewpoint at saltburn, which was right on the very edge of the of the zone.

22:53

We don't wish to make particular issue of that.

22:57

I have a very keen conservation officer who guards jealously the context of saltburn have been in discussion with him. We agree that a viewpoint in that location is arguably desirable, rather than essential to come to an informed planning decision.

23:17

We have no comments on the general methodology employed in the assessment, which we consider to be acceptable.

23:26

Thank you very much. That's useful. You've answered my next few questions there as well.

23:35

So, madam, sir, if I may just add one point, Richard let represented the applicants. So regarding saltburn, noting the comments just received and thank you for those we did assess slightly closer viewpoint viewpoint 12. of mass by the sea, which we took as being

23:55

a if the worst to be any significant, potentially significant effect, saltburn viewpoint 12 would receive a greater effect being closer to the proposed development PCC site, we assessed that viewpoint and didn't identify any significant effects. So we use that as effectively a proxy to the saltburn viewpoint, since it was a more conservative assessment using viewpoint 12.

24:21

So you remind me where viewpoint 12 is taken from masked by the sea.

24:39

Okay, thank you.

24:41

So in respect of the individual viewpoints, we did visit most of them on our unaccompanied site inspection, which was back in March and there's a note of this in the examination library, Evie 1001. And at this time, we did in particular,

25:00

To find the PCC site to be prominent from the beach from science, in particular, both north and south of the T's and taking into account the the number of sensitive receptors in these locations as well, including recreational users, users with public rights of way, and tourism.

25:23

And we thought, well, the general locations of the viewpoints may well be representative, and it's unlikely that we would request additional locations such as salt burn, but we did in particular find that the visuals from viewpoint two, which is the cliff Seaton Carew, was slightly lacking and would request a slight change to the location. So that one's up on the screen now. Satan Kuru in the Hartley call area, which is north of the T's.

25:58

The view here is taken from the west side of the road. So it's just beyond the junction and a pedestrian crossing. So there's a lot of street clutter in the foreground and it is somewhat detracts the eye

26:14

from the other side of the road and the promenade, we noticed that there's a lot more people walking, enjoying the views, so to speak, and views of the PCC site were notably clearer and obstruct unobstructed from the eastern side of the road, and along the promenade, and of course, the beach.

26:36

Other

26:38

points we noted in terms of this visual is that it's a rather dull and cloudy day, we visited on a very clear, sunny day, and it seems to us to be a lot more clearer and prominent than it appears within this visual. And it was it was striking to us the steel works as the reference point the the blast furnace appeared to be standing on its own in an exposed coastal location. And there was less of the backdrop of the industrial area behind it, it was more seen for further to the right, so to speak.

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So

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just to summarise, we don't consider this to be a representative view. And we do request submission of amended visuals. The location is fine Cliff road generally, to the other side of the road, reduce the cluster in the foreground, and

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hopefully on a better day as well, if if that can be possible.

27:45

In terms of the baseline,

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those you understand that things have been demolished in the meantime, if you've already got photography, from

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further further across the road, to to so we can compare what's the existing baseline from from all the other visuals great, but if you need to take new photography, that's fine as well, because we can tell from the other visuals that we've got what the existing baseline is.

28:19

So in view of that, could you indicate by which deadline you'd be able to supply such updated visuals?

28:31

Thank you, Richard, for representing the applicants, we're happy to update that viewpoint, we will have to check whether we have existing photography from the other side of the road if we do that will allow us to process it more quickly. If not, we'll have to go and take further photography. So I'll probably need to respond in writing as to which deadline we can achieve the update on this based on how much information we already have if that's okay.

29:04

Yeah, that's fine.

29:12

Okay, moving on to from that, with regard to the changing baseline. It's following demolition of much of the steelworks and also cumulative effects, we've recently permitted developments in the vicinity.

29:26

So we received a deadline for an updated long short list of other developments and this was in response to our first set of questions at GE n 1.37. And so the applicants response was rep four zero to nine. And we also received an update from red cone bleep Cleveland Borough Council at rep 4041. And initially, I would just like you to check those two lists against each others just to make sure that they do

30:00

tally up? And could, Mr. Miller for Redco, please could you look at rep four, zero to nine, the long and short list and confirm that it's accurate or wherever any changes are required.

30:18

Madness is

30:19

now a fast moving scenario for us as a planning authority.

30:24

Admittedly, it's been a bit of a slow burner with the establishment of the Maryland around the corporation. And we are probably dealing with applications every week. So we will get you the very latest list in terms of approvals that have been granted for the site.

30:45

Yeah, that's fine. Would you be able to do that for deadline five? Yes, we will.

30:55

Yeah, we late we also recognised as a lot of development activity in the area. And we can see that from from the planning history and from our own visits both the unaccompanied site inspection between that and the company site inspection that things have moved on.

31:11

There. There's clearly a lot going on the demolition of the former steel works and the wider tees work site. And we know that this will be ongoing for some time.

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In the in the update to g n 1.37.

31:33

Rep four zero to nine There was reference to reserve matters application are slash 2022 0343 ESM and the full application are slashed 2022 0355 F F n, and their ID numbers 114 and 115. On the long list of developments, page 10 to 11.

32:04

They've they've been carried forward to the updated shortlist of developments. And we note that the combination Community Environmental effects have been considered

32:16

for a number of environmental matters including transport and the HRA. But are there any additional visual effects arising from those developments which we should be aware of?

32:29

Without looking at those applications, personally as yet, I'm not quite sure where they are in relation to that net zero T side sites.

32:40

Thank you richly represented the applicants, we will have a look at those two schemes and confirm in writing whether there are any landscaper sets initial view is that there aren't I think we would have identified it if we had but we will confirm it in writing.

32:58

Okay, that's fine. That was the deadline five Yeah.

33:08

Mr. Miller, do you consider if any of those more recent approved developments have the potential to affect LVA matters and particular emphasis on the teas works developments and we know some of those have been approved in outline form. So, the difficult to establish what what what they would look like.

33:30

But the more recent developments as well and did your consideration of those applications involves such design LTI LVA matters and cumulative effects with this particular development.

33:46

So the current position on to state the obvious is that some of the applications are supported by environmental statements. So those are not we have as a matter of course on most applications on the site, and sought at least some assessment in visual terms, and the environmental statements that accompanied the think they were five major planning applications from T's works all supported Vironment environmental statements do take into account those cumulative effects. My initial reaction is that it is unlikely that any further planning permission so we've granted all the permissions we granted thus far we'll have an immaterial impact in terms of the cumulative impact of the development of subjective the DCO but once we finalised that

34:39

list of applications and developments we can respond on that point in writing if required.

34:47

Okay, that's fine. Do you have any indication of timings of reserve matters for those outline applications?

34:55

There are a few. There are a couple of applications which are

35:00

Currently in train.

35:02

One is the CEA wind, renewable energy development, which is there was a groundbreaking ceremony on that couple of weeks ago that's being implemented. That is, I think that is the only application that we granted an outline

35:20

that is now making progress the others currently set as outline planning permissions. There's one other application and forgive me if it is on the list, I'm not sure if it is it might be is the proposed energy from waste plant.

35:35

I'm actually dealing with the pre application negotiations on the reserve matters for that development.

35:43

However, several deadlines for submission of those RMS have been missed, for reasons which aren't important. They're not planning, they're related to commercial and other interests. But we would expect the reserve matters to come in from those three preferred bidders by the back end of by the back end of summer. So again, we can get you an updated position on that.

36:12

Okay, does the applicants have any comments on what Mr. Miller just said?

36:20

No, thank you, Madam.

36:27

I'm moving on to the the design approach, which has been undertaken and would be ongoing for the PCC sites.

36:37

Just noting the increased government emphasis on design, which is reflected in a variety of publications that have been issued over the last few years, and it's also an increasingly important issue in other nationally significant infrastructure projects.

36:54

We've got your answer to XQ. One, DL v 1.1. Rep. 2016. This sets out the relevance of National Design Guide. And in specific to national infrastructure, we've got the national infrastructure commission or NIC Design Principles Document.

37:16

And you have set out in the answer how you consider the proposed development would each would meet each of those four design principles within that document. But this does appear to concentrate on land use, rather than design.

37:30

page five of the NIC design principles documents.

37:38

This sets out recommendations for a design champion to be appointed for every nationally significant infrastructure projects. For their role to make sure good design is prioritised from the early stages of a project with a continual emphasis on that design vision throughout and hold board members and project management to account for delivering those design objects objectives.

38:01



It also states that all major infrastructure projects deserve to have design review panels, and which needs to be involved early enough for their advice to shape project design. And they will advocate for improvements to design that will improve the outcomes of the project taking advantage of opportunities to achieve better value.

38:22

Just just noting that the Design Principles Document while it was published in February 2020. It wasn't included in any of the documentation that we've got or indication that was considered in the design of the project. We do have your your answer to the question, but it's not in any of the original documents. So

38:45

it was just in terms of the design champion that I've just mentioned and Design View review. Has it been considered? Will it be considered?

39:00

Richard glow represented applicants.

39:03

A design champion hasn't been considered but we are happy to consider one certainly, if it's felt beneficial, I think the design approach we've taken we very much see working collaboratively with Redcar and Cleveland borough councils to make sure in accordance with their local design principles and likewise, the the T's work design guide and the SDDC wider master plan. And I think what we have done to date is consistent with both of those.

39:35

But we of course recognise the importance of good design and that it's an important consideration for the scheme. So we're certainly happy to consider

39:46

providing a bit more definition relating to the use of design champion and if appropriate design panels, perhaps through the discharge of the detailed design requirements.

39:59

Thank you

40:00

And, Mr. Miller, are you aware of the national infrastructure commission design principles? Do you have any general comments on that in respect of the net zero T side project, no general comments on that. I would say that

40:16

we have been working with Southeast Development Corporation since its establishment. Interestingly, you'll see from the development plan that the area is primarily allocated for employment related use. And whilst we do have design criteria,

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in our local plan, the end of the day, any investment that comes forward, that is acceptable in all other respects, in employment terms would be acceptable on the site.

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What we are aware of,

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in dealing with a lot of the potential investments that have come forward

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is that the design of the development can be of this nature, can be dictated by technical and other constraints. So I think we recognise as planning authority. For example, I'll use the energy from waste plant as an example that there are certain required technical requirements that need to be met, that will always influence the external envelope of the development.

41:20

That said, and although we have some policies and a local plan in relation design, it was actually SE Development Corporation that introduced the

41:34

ambition to create an exemplar business park on the site. And part of that was the adoption of a design code. So we worked originally with the technical team on the brief for that design code.

41:52

My point is that as a local planning authority, we take a slightly more practical view in terms of design in this area in the context of the local plan, but we support generally STD C's, ambition, to build quality into all the developments that will take place on that site.

42:15

And the energy from this plant is a good example because as I say, I've been doing the pre op negotiations on that, I have been pleasantly surprised with the quality of designs that have come forward on that development given at the end of the day that it's an incinerator. And but it illustrates the point that there is no reason why developments of that nature or subjective the DCO can't make a positive contribution to the urban landscape in design terms. So certainly were

42:47

supportive generally of the approach set out in the design and access statement, and the narrative that's provided on the design concept behind this. And as my colleague said, the devil will be in the detail when they when the details of the scheme finally come in.

43:09

Okay, thank you very much. Do you have any comments before I move on? No matter? Thank you, we've we've got as Dr. There was indicated that the task or action to consider whether there's further things that might be done in the framing of the requirement or otherwise, to ensure that the design when it emerges,

43:31

is a good design, having regard both to the practical constraints, but also to any opportunities there may be. So we've got that action and we'll pursue it.

43:49

And Dr. Lowe has one further point. A Yes, madam just another point regarding when we did our section 40 Do consultation and formal consultation for the project and the proposed development. We did include some design concepts and principles and consulted with statutory bodies as well as the public around some design ideas. So

44:13

we at least have tried to engage in terms of alternative design approaches and that was relating to materials finishes form. So we actually didn't receive any comments positive or negative from the community or other bodies, which we took it as being reflective of the of the location of the proposed development, but just thought it perhaps was clarifying that we have engaged on and consulted on some design principles. Okay, that's useful, thank you.

44:48

So moving on, specifically to the T's work, SPD and the, in particular the design guide, which is supplied at rep 2055

45:03

And you'll design and access statement so it should serve as 190.

45:11

And paragraph 1.1 point 18 of the design and access statement indicates the development as being in keeping with its industrialised context, and that the appearance is representative of its function and purpose, which has already been mentioned today. And you've provided some limited justification for the site not being classified as a gateway sites in the context of the SPD and the design guide. And this largely because it's not on a primary role within the T's work site.

45:45

But paragraph

45:47

1.1 point 19 of the design and access statement does acknowledge its visibility from self care, and CO them Junes. And indeed, we noticed from our site visits and from the LL VIIa, information there will be visible from much further afield.

46:07

The TS works Master Plan, which is rep 2053. That indicates a footpath entrance from selfcare road at the site of the blast furnace, which is immediately adjacent to the to this site. And the public right of way t T's well Teasdale way runs alongside.

46:29

So

46:33

we felt like given its proximity to the coast, it has got a much wider visibility than many of the other plots within the T's work site. And for many viewpoints, it does stand alone as a prominent part of the T's work site. And that was illustrated by by our request for further visual from seeing karo.

46:55

And would you agree in terms of its prominence.

47:03

Richard Lowe represented the applicants, we recognise that from some recreational viewpoints, it could potentially be prominent, obviously, in the context that this uncertainty around how the wider Teespring site will be further developed, and the other infrastructure will be built around it. And that is obviously as we've already outlined a somewhat fluid and evolving picture. So I appreciate that too. With the removal of some of the existing infrastructure on the GES work site, if the PCC site was left in isolation, then it certainly could be

47:39

a prominent part of the landscape.

47:42

But the landscape of visual impact assessment we did identify potentially significant or moderate adverse effects from some of the recreational viewpoints as outlined in chapter 17. So yes, recognising that we do understand the point that is being made here.

48:03

Okay, thank you. And just just related to that the design and access statement paragraph 4.6. Point 10 also recognises its potential as becoming a strong visual beacon. And this is the visual beacon idea is set out in topology, C five of the T's works Design Guide,

48:26

which is large scale industrial operations, and there is a potential for it to become a local landmark as the blast furnace and still works is currently or was

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the

48:42

the design guide at the topology, say five does provide some useful design guidance and including the shape and the cladding. And of course, while we don't recognise the points, well, we don't know what's going on around it, and

49:00

the technical operational safety considerations,

49:05

there are certain aspects which which could really make this development.

49:12

So

49:14

in terms of the shape and size of the PCC structures, we've we've got the visuals that shown the blocks, the coloured blocks and

49:24

indicative visual design, the ultimate design being constrained or is there any scope for an individual and high quality design which reflects its location adjacent to its coast and also taking into account the fact that it is this first of a kind development paving the way for others, hopefully?

49:51

Is it worthy of an iconic structure within the site.

49:58

Richard Lowe represented happily

50:00

Since

50:03

recognising the context, and recognising the evolving picture that we've we've already outlined

50:11

the on the functional specification as you as you, as you quite rightly point out will be key and the safety and the functionality.

50:20

Within that context, certainly we can and will be looking at the design, and whether there is an opportunity, conscious that there's always the balance between functionality and cost effectiveness and design. And good design therefore needs to also take into account that

50:43

the scheme must be viable. And we're very conscious that there have been cases of other energy developments not relating to carbon capture, but in the past where design principles have been put on to schemes that make them unviable and ultimately can't be delivered. So recognising that context, we certainly understands the importance of the scheme and its national significance. And therefore, there's an opportunity to consider how it will feature and look and as you as you identify, there could be other other schemes to follow. So I think we're very keen to work with a local authority. On the discharge of the requirements on the detailed design, we have had some ideas as if I'd ever as I've outlined through some of the consultation, we we at least tried to engage on potential ideas on design, and certainly anything relating to transparency of materials finishes, obviously, it becomes quite a polarising views to one person's view as to that iconic design is another person's view of that's a nightmare to view. So we'd have to balance those views against the cost effectiveness. But yes, I think we recognise we can probably emphasise a little bit more about good design in the requirements. And I think that certainly we will take away from this.

52:10

Yes, my The only thing I would add to that I, I was involved in the National Grid project to connect up to Hinkley Point C, where there was a,

52:22

an attempt to introduce new designs in pylons, and promoted and carefully selected for certain parts of the route. And then afterwards, there was an issue over the recovery of the expense of that and that unfortunately, something that emerged was after the examination that that perhaps is an example of the sort of thing that Dr. Lowe is referring to where one has to have an eye to the way that these projects are funded. And to ensure that

52:56

where there is scope for good design within those constraints, it's taken up, but we don't end up with a situation where we don't have a project. So there is a balance. We'll take that away and see what can be done. We've noted the reference to

53:12

C five within the T's work design guide. And we'll look at the requirement to see what what additional guidance, if any, might be put in there for the consideration of design when it comes forward at the detail stage.

53:34

Okay, thank you. Mr. Miller, do we have any comments?

53:41

You use a phrase there that I stopped short off when I was doing my revision last night which is iconic.

53:48

It is an iconic structure the current blast furnace and it might interest you to know that.

53:54

In our in our archive, we have the original plans for the plus furnace and permission was actually granted for three furnaces on the site, not just one. So had to cut the development been completed in accordance with the approved plans. And I don't know why it wasn't. It would be even more iconic. We've had we've had a we've had an interesting debate locally about the future of the blast furnace. And particularly you might be aware also there was a controversy around the structure called the doorman long tower, which was demolished several months ago.

54:28

And I think Council makes a very good point that, again, as a local planning authority, when we're talking to stakeholders who advocate retention of structures like the plus furnace, for whatever reason.

54:42

What doesn't concern them is the cost of doing that. And the mayor's office has done some work on that calculated it will be several million pounds to retain the existing structure. Even if you were to retain it as caught a tourist attraction on I'm not sure how that is

55:00

works, I think, I think that the opportunity is here, or is in dealing with an application, which is the first of its kind as we acknowledge.

55:12

But I am confident that, and I think the points that are made on the impacts around the game are perfectly valid.

55:20

I would also, however, say that instructive to look at the view in the viewpoint analysis for Mr. Knapp, that shows the scale of the industrial complex across the tees area, and how readily in my opinion, this development will be absorbed into that there will be more significant effects the closer you get to it from areas like cotton, and from North the river. But I have every confidence in the information that I've seen that we will go as far as we can in promoting good design on here. And I note in particular, in it, it's on the agenda, significant margins around the development for opportunities for landscaping and other treatments to provide a proper context for the development.

56:08

It's for others to decide whether it would be exemplar and iconic.

56:13

Thank you.

56:32

Yeah, that's slightly touched upon other end, sips and

56:38

design. And this being, again, the first of its kind in somewhere in a documentation where

56:48

other gas power stations are referred to in terms of design. Is there any good practice that you could refer to?

56:58

I'd have to ask and take instructions about about that. In terms of the design of gas bypass stations, I simply don't have that information. I'm aware of the general documents in relation to N sips that you've referred to in your introduction, I'd have to check if there's anything specific to gas.

57:19

Dr. Lowe doesn't seem to think there is I'm sure if there was he would know about it.

57:32

And finally, on this item, are any further indicative plans or elevations likely to be received before the end of the examination as the as the feed progresses?

57:46

Richard lo representing the applicants, we hadn't proposed to provide any.

57:53

But if it would be helpful, and that would be something that would be

57:58

of benefit to the examination, we certainly could, could take that away and consider it. The approach, as you will fully recognise is that we've applied the rational envelope approach and identified what we would identify as the worst case massing of, of the major structures. And the expectation, as outlined in some of the Indicative drawings is that the final design will be smaller and more compact than the one presented and assessed as the design work progresses. So I think what is currently an examination is still absolutely the worst case, from our perspective, from a from a massing and scale perspective.

58:43

Any further iteration as it evolves? We'll only refine down from that. So I think from an assessment perspective, we don't see the need to identify and submitted any additional plans.

58:54

The design hasn't progressed to conclusion yet anyway. So it would be quite late in examination before anything meaningful, perhaps would be available.



59:04

But if it would be a benefit, we might be able to.

59:09

Yeah, yeah, I understand the point that yeah, we've got the worst case scenario in front of us. And there's the blocks that we can say on on the visuals there.

59:21

It's more about

59:26

the shape rather than the the overall scale what what is this? Any more ideas about what it what it would look like

59:36

and will be useful? And that can be later on any examination that anything you can provide? I think we stick with the maximum and design parameters as we've got presently. Scale parameters, understood, I think we can probably develop something

59:53

based on the design work and submitted later into examination, for if it will be of benefit you

1:00:00

Yeah, that would that will be a benefit. Thank you.

1:00:07

So, I don't know if I can just, yes, that's very slightly content or for the applicants.

1:00:15

From my perspective, I think there'll be quite simple structures, I think, I think it's fair to say, the simple outlines.

1:00:23

And I think that just links back to the previous point about, you know, iconic or exemplar development, we haven't had any indication from the consultations, that that's, that's particularly sought. So I think, in general, I would say the direction travelled is, you know, began for quite simple structures, and something that, you know, blend into the skyline more than stands out from it. That's just a sort of outline of where we might be headed.

1:00:58

Okay, thank you.

1:01:00

Um, the next item we've already discussed to some degree and that so understand you, you can be re looking at requirement three.

1:01:16

And it's, it's down to record and claiming Borough Council to discharge that requirements, is, we want to ensure that you will seek to meet those principles that that we've mentioned in the design in the design guide.

1:01:35

And you've you've already said in your answers to that our first questions that you're satisfied the requirements three will enable the design to be agreed at a later date. And we just want to be satisfied that there will be proper consideration of that requirements.

1:01:56

In terms of the principles in the design guide, and what we've already mentioned about visual beacons and and that sort of thing.

1:02:06

In terms of design panel, would you be willing and able to seek the views of a design panel?

1:02:14

At that time when discharging the requirement? Is it something that takes place for other major developments in your area? And if so, who does it involve? How is it funded?

1:02:28

To the best of my recollection, I think the counsellors only used a design panel on one application.

1:02:37

It might have been just before my time or just after, I believe it was a body that represent was represented by architects and urban designers from Newcastle.

1:02:49

And they looked at at least one possibly two applications we haven't currently got that built into our procedures for well, I'll be honest, for resource reasons.

1:03:03

That said,

1:03:06

if the authority of the examining authority felt in order to ensure the best possible design was achieved, we would raise no objection to that being included in one of the provisions. We are satisfied that requirement three gives us an appropriate degree of control over the final development, whether the approach that you suggest involves

1:03:32

a third party, it would be a moot point, but we would have no objection to that. But obviously, we take our responsibilities as a planning authority very seriously. And we have been working with SDDC as I mentioned earlier, on issues relating to quality and design on the site in particular, and STD C have quality and design as a key driver in their decision to produce the design code for the site which the council broadly supports.

1:04:08

Okay, thank you. And just related to this. Mr. McCarthy, do you have any comments? Se Development Corporation?

1:04:19

No, we have nothing to add.

1:04:22

Okay, thank you.

1:04:25

Madam if I may, on this just to give some sort of flavour of the things that we'll be looking at when looking at the requirement, because it's, we're looking at a requirement which essentially places the responsibility for approving the final design in the hands of the local planning authority. The starting point is that the local planning authority must be assumed to execute its duties responsibly and properly and will take account of all matters

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to switch our material, which would include any relevant guidance in any event.

1:05:06

And so it is important when looking at the framework, or the exercise of that planning judgement in due course, to consider any additional wording through the tests that are set out for the imposition of requirements, which of course, go not just to whether you should have a requirement, but also the terms and the degree to which one constrains or

1:05:39

otherwise guides the decision of the planning authority when discharging. So what we will need to consider and in due course, what you in the Secretary of State will need to consider is the extent to which it is necessarily on the facts of this particular case, to add any further constraint on the scope of the local planning authorities determination.

1:06:07

And just to be absolutely clear, that means that one can assume and must assume they will have regard to all relevant design guides. In any event, the issue is, to what extent in the requirement is it necessary to further limit the scope of their discretion as to how they go about approving a design

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having regard to any particular design guide that is referred to in the requirement. So it's not to ensure they have regard to it because they're assumed to have regard to it, because it's a material consideration. It's about limiting the scope at their discretion.

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And that's, that's why we need to give careful consideration to the inclusion of any such further constraint on the discretion of the authority. And if so, quite how that is framed. It's not simply a matter of saying they should do it having regard to because they'll do that anyway. It's quite what constraint you put on their freedom of manoeuvre, because in some circumstances, just to elaborate, one might have design principles in a design and access statement if you've got a particularly sensitive site, particularly important development. And if consideration of the acceptability of the development in principle has been shaped by a consideration of those design principles, then it may be appropriate to limit the local authorities discretion to judging whether it is in accordance with those design principles, because it's form part of the assessment at the effectively the outline stage, where that's not the case. It's not so straightforward to say you must comply with a particular aspect. And so I just thought it's helpful before we take that away to identify those points of principle which we will need to consider an energy of course, obviously you and the Secretary of State wanting to look at.

1:08:03

And I think Dr. Lowe has one further point to add on that. Thank you.

1:08:08

Related to the point is made one early Generating Station development, consent or application, we did have a panel engaged through the design process.

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It led to some very strong design principles being proposed by the panel, which then weren't necessarily consistent with the the local authorities position, and also added significant cost to the principle of actually building out that project. And we then ended up in a situation where the panel had identified some wonderfully visionary iconic ideas, which were, quite frankly and workable within the context of the scheme. So we then had an issue of how we reconciled working with a panel who have very strong design and architectural principles that they want to push forward against the economics of the scheme and also the local authorities wider view of the development in the area. So I have got some core concerns around the application of a panel based on past experience, but we are happy to as my colleague says takeaway, certainly the principles are in good design and working with the local authority and working within the context. So

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now I can start.

1:09:27

So yeah, in terms of requirements three, as you will will await you have further written written comments and any amendments to to that in due course and an explanation whether there are amendments or not, so to speak to it. Thank you.

1:09:55

Coming back to Mr. Miller, is something that was mentioned on

1:10:00

Tuesday at the DCO hearing it was about monitoring of materials. And that you didn't foresee a need for that to be secured in the DCO should just be able to confirm that.

1:10:14

Yes, well,

1:10:16

we do monitor but it's it's something which is limited by resource. That's the honest truth. And where we have sensitive sites be within a conservation area, particularly listed buildings, and we will carry out site inspections to ensure compliance.

1:10:35

We did a one point employee a compliance officer.

1:10:40

That role has now changed. It's largely F down to individual officers. As I said, in response to the question on on Tuesday, my view is that with the requirements we have on the draft DCO, the expectation is that any approval which is granted pursuant to that will be carried out in accordance with the approved plans. I see no particular reason.

1:11:04

Given everything that we've discussed about the location and impact of the site to have anything in the entity seal that requires

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some form of confirmation from the applicants that that's what they've done. My expectation would be the development will be completed in accordance with those details unless otherwise agreed.

1:11:26

Okay, thank you, for that matter if I may, just on behalf of the applicant.

1:11:34

It's important to bear in mind two points in relation to this narrow issue. The first is that if materials are approved pursuant to requirement three, and the obligation, then is to use the materials that have been approved a failure to do that will be a criminal offence, because of the way that the Planning Act

1:11:59

enforces compliance with the terms of development consent order that that provides, as you might imagine, a particular incentive on those who ultimately would bear the responsibility for any such offence to ensure that those materials that had been approved are the ones that are used that the second point is that this is not a matter where the detection of

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any divergence from what is approved would be particularly difficult to detect. This is a provenance structure. And if it's been built using materials that hadn't been approved, would probably be quite apparent on site.

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Okay, thank you.

1:12:51

Landscaping

1:12:54

and requirements for

1:13:04

now, some answers to DL v 1.16. Rep. 2016. And

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we've confirmed that

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about the landscaping the could you just confirm that no further landscaping or planting is proposed to assist in further reducing significant adverse impacts on visual sectors. And the reasons for this

1:13:34

and just just seeking and just a bit more stair on what type of planting would be appropriate around the perimeter of the PCC site. And the the documentation just seems to suggest it's low level, Wildflower, shrub type planting, and not trees as far as I can establish. So there's no potential for screening. But could you just confirm that

1:14:05

Richard Lee represented the applicants? Yes. So we certainly will be doing landscaping as part of the discharge requirements for and there'll be a landscaping and biodiversity plan prepared.

1:14:19

We haven't identified any landscaping that could be delivered on site that could mitigate any adverse effects of the landscape and visual effects of the proposed development based on the mappings.

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Some of the structures are 50 metres high, the the absorber stack and the absorber tower potentially over 100 metres high. So from a landscaping perspective, we haven't identified any mitigation that could be applied or is proposed. So our landscaping and biodiversity plan is

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put a greater emphasis on the biodiversity aspects. We are committed to achieving biodiversity next

1:15:00

gain. And we see that as an important part of the, of the development. So that's why we haven't focused on any

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vertical landscaping structures that we could try and instal. And I think based on the environment, the coastal environment, trying to develop significant tree builds is probably going to be difficult to achieve of any substance in any success. So I think the landscaping needs to be, from our perspective, sympathetic to the coastal environment, focusing on the biodiversity enhancement and the value associated with that, and recognising we can't really visually screen the principal blocks of the development.

1:15:47

Okay, thank you. I miss Mr. Miller. Can you confirm that we've seen the app 079 landscape and biodiversity strategy? And as 159 the landscaping and biodiversity plan?

1:16:05

Do you agree with the applicants comments?

1:16:09

Generally, yes, I mean, the the in terms of landscaping substantially the same comments do apply. We have been working with our colleagues at STD C on a number of work streams. One which is which is included biodiversity, net gain,

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and matters relating to contamination at other matters.

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I'm confident the approach set out in the DCR application in terms of the landscape and biodiversity strategy

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is appropriate, there are significant margin shown on that landscaping plan.

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I hope it would be allowed and I think the comment made

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the obvious comment is that it would be virtually impossible to screen a development at this scale, but what you can do is you can break up the outline you can provide files on the site, you can through the use of mounding for example provide an element of interest in the context of the site. Those are all matters of detail that we will be able to deal with under requirement for we recognise there will be constraints on some landscaping to the site but I'm confident that we can produce a landscaping scheme around the development that is sympathetic to it. So it's coastal location

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Okay, thank you very much.

1:17:56

Okay, finally, just to wrap up this agenda item,

1:18:01

the SE SPD, the T's works. Design Guide and the master plan have been mentioned several times today and in the documentation and they are of relevance in providing guidance and ensuring comprehensive development on the overall T's worksite as well as design guidance

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is just clarifying how the proposed development fits in with such comprehensive development. And we've talked about the the the long list of other developments, which is ongoing and there's a fluid situation

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that in terms of design and wider landscape impacts think as the examination progresses, we will need as as it goes along, and we have more of an idea of what's going on around it. If that could be updated

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as we get the information in any cumulative impacts with the development that's going on around it and how it fits in with with the Master Plan.

1:19:04

And also just confirm that the it's only the SPD, which is policy is probably for you, Mr. Miller.

1:19:15

Does it apply to planning applications and then zips and what way it should be examining authority give to it when reporting Secretary of State.

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I don't need to

1:19:31



tell you that, as an SPD, went through more limited consultation. So it wasn't a subject of public examination.

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The first iteration of the master plan was drawn up when the

1:19:46

shadow authority was in existence and the technical team came up with the concept of the master plan very early, which generally we supported. The point is that we already had in place at that

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A time and adopted local plan or a local plan going through examination, which was subsequently adopted the master plan, if I'm perfectly honest with you, I see more as a marketing tool than a planning document. That's just a personal view, it's a very good piece of work, it's very comprehensive piece of work. We reached an agreement with South with the Development Corporation in consultation with planning advisors at the time, that the potentially the most appropriate approach for the master plan to find expression through the local planning authority, and we have this odd situation where the planning authority retains the planning powers over development cooperation. It's fairly unique, I think.

1:20:47

But it's a working really, very good working relationship.

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The best way to do that was through a supplementary planning document.

1:20:57

Yes, we do refer to those look to the SPD, when we're dealing with planning applications. I would describe it more as a background document along with the master plan, because obviously, the app provides our primary requirement to determine applications in accordance with the development plan, which is the local plan. But we do give that weight as a background document, and we would invite the examining authority potentially to do the same.

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Okay, thank you.

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Mr. McCarthy. Do you have anything to add to that?

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I think to add, thank you.

1:21:42

Thank you.

1:21:48

Then the applicant. Just a couple of brief points. Madam, if I may 1 of all Can I just make sure that I've got a clear note of your request, as I understand the point you were raising

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in terms of requests for further action from us, you were pointing out that because this is a contest in terms of the wider site, which is rather fluid. You wanted us to provide any updates during the course of the examination as to how it we envisage that the proposed development would fit in with what's going on around it. And whether any approvals that

1:22:34

emerge, during the course of the examination might have any implications in terms of cumulative effect. Is that have I captured the point? Yeah, if you have great.

1:22:49

Okay. Well, that's the first point I'm grateful for that we can take that away. The second point I wanted to make was there so far as the status of the SPD, is concerned, the SPD can't have any formal status

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under the Planning Act 2008 in the way that it may have under the Town and Country Planning legislation,

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because SPD will be promoted and adopted pursuant to powers

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under the Town and Country Planning legislation. And clearly under the Planning Act, there are distinct provisions for policy and guidance, and how those are to

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be employed in decision making. And you'll probably be familiar from other cases with with situations where emerging development plans under the Town and Country Planning Act, have sought to make provisions which purport to apply to and sips and they are taken out through the examination process, precisely because of that clear demarcation.

1:24:13

So for the purposes of this determination, that's not to say it couldn't be relevant. And indeed, it's not to say it wouldn't necessarily be important and relevant if that judgement was reached, but it doesn't have formal status in and of itself under this process. And then find out I think, Mr. Turnbull may have some points to raise. I just want to check if there's anything additional to that.

1:24:38

Yes, thank you console for the outcomes. Just while we're on the status of policy. I just want to note the national model design code, we started planning practice guidance. So sort of underpins national policy, but mainly for non handset development.

1:24:56

Thank you.

1:24:59

Yeah, I think you said

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They need the answer to the DL V 1.1 as well.

1:25:13

Okay,

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unless anybody else has got any comments relating to design landscape visual matters.

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We'll move on. It's time for a break before we go on to Item four, I think Mr. Mr. Gleason

1:25:32

Thank you. So now time is less than 25. It's just we have break the journey now until 1145. Thank you very much.