



Date: 22 November 2017
PINS Ref: EN010082

Mr Karl-Jonas Johansson
Case Officer
National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol BS1 6PN

Dear Mr Johansson,

THE PLANNING ACT 2008 - SECTION 37 'APPLICATIONS FOR ORDERS GRANTING DEVELOPMENT CONSENT'

EN010082 – THE TEES COMBINED CYCLE POWER PLANT ('CCPP') – SITE OF THE FORMER TEESSIDE POWER STATION, GREYSTONE ROAD, GRANGETOWN, TEESSIDE, TS6 8JF

Sembcorp Utilities (UK) Limited ('SCU' or the 'Applicant') encloses an application (the 'Application') for a Development Consent Order (a 'DCO') under Section 37 of 'The Planning Act 2008' (the 'PA 2008') in respect of the Tees Combined Cycle Power Plant ('CCPP') Project (the 'Project' or 'Proposed Development').

SCU is seeking a DCO for the construction, operation and maintenance of a new natural gas-fired electricity generating station with a nominal net electrical output capacity of up to 1,700 megawatts ('MW') at ISO conditions, on the site of the former Teesside Power Station, which forms part of the Wilton International Site, Teesside.

The Proposed Development would make a significant contribution to the future security of UK electricity supplies in accordance with 'The Overarching National Policy Statement for Energy ('EN-1')' and 'The National Policy Statement for Fossil Fuel Electricity Generating Infrastructure ('EN-2')'.

A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14(1) (a) and 15(2) of the PA 2008, having a nominal net output exceeding 50 megawatts.

The DCO, if made by the Secretary of State ('SoS') for Business, Energy and Industrial Strategy, would be known as 'The Tees Combined Cycle Power Plant Order' (the 'Order' or 'DCO').

SCU

SCU owns the freehold to all of the land required for the Project.

SCU provides vital utilities and services to major international process industry customers on the Wilton International Site on Teesside. Part of Sembcorp Industries, a Singapore-based group providing energy, water and marine services globally, SCU also owns some of the industrial development land on the near 810hectares Wilton International Site, which is marketed to energy intensive industries worldwide.

The Project Site

The Project Site (the 'Site') is located in the south western section of the Wilton International Site, adjacent to the A1053. The Site lies entirely within the administrative area of Redcar and Cleveland Borough Council ('RCBC'); a unitary authority.

Historically the Site accommodated a 1,875 MW Combined Cycle Gas Turbine power station (the former 'Teesside Power Station'). The Teesside Power Station ceased generation and was decommissioned and demolished between 2013 and 2015.

SCU has identified the Site, based on its historical land use and the availability of natural gas supply and electricity grid connections and utilities, as a suitable location for the Project. In summary, the benefits of the Site include:

- brownfield land that has previously been used for power generation;
- on-site gas connection, supplied from existing National Grid Gas Plc infrastructure;
- on-site electrical connection, utilising existing National Grid Electricity Transmission infrastructure;
- existing internal access roads connecting to a robust public road network;
- availability of a cooling water supply using an existing contracted supply (from the Wilton Site mains) and existing permitted discharge consent for effluent to the site drainage system ;
- screening provided by an existing southern noise control wall, approximately 6 m in height;
- potential for future CHP and CCS; and
- existing services, including drainage.

A more detailed description of the Site is provided at Chapter 4 'Overview of the Project's Environmental and Socio-Economic Setting' of the Environmental Statement ('ES') Volume I (Application Document Refs. 6.2.4).

The Project

The main components of the Project can be summarised as follows:

- **Work No.1A** – up to two separate CCGT units, with each generating unit including a gas turbine, steam turbine and electricity generator, heat recovery steam generators; condensers; emission stacks; and main and auxiliary transformers;
- **Work No. 1B** – cooling infrastructure including up to two banks of hybrid cooling towers; pumps; and sampling and dosing plant;
- **Work No. 2A** – associated development including a permanent laydown area; vehicle parking area; internal roadways and footpaths; lighting; and signage; and
- **Work No. 2B** – associated development including an area to be reserved for carbon capture, compression and storage, to be laid out as vehicle parking and used for open and covered storage and laydown during construction.

It is anticipated that subject to the DCO having been made by the SoS (and a final investment decision by SCU), construction work on the Project would commence in the second half of 2019. The construction of the Project could proceed under one of two scenarios, based on SCU's financial modelling, as follows:

- **'Scenario One'**: two CCGT 'trains' of up to 850 MW are built in a single phase of construction to give a total capacity of up to 1,700 MW.
- **'Scenario Two'**: one CCGT train of up to 850 MW is built and commissioned. Within an estimated five years of its commercial operation the construction of a further CCGT train of up to 850 MWE commences.

The above scenarios have been fully assessed within the ES.

A more detailed description of the Project is provided at Schedule 1 'Authorised Development' of the draft DCO (Application Document Ref. 2.1) and Chapter 5 'Project Description and Alternatives' of the Environmental Statement ('ES') Volume I (Application Document Ref. 6.2.5).

Environmental Impact Assessment

The Project represents an Environmental Impact Assessment ('EIA') development and therefore the Application includes an Environmental Statement ('ES') that reports the findings of the EIA that has been undertaken. A Habitats Regulations Assessment was also undertaken (Application Document Ref. 6.3.14).

'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017' (the '2017 EIA Regulations') came into force on 16 May 2017, replacing 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009' (the '2009 EIA Regulations'). The 2009 EIA Regulations however continue to apply to certain projects, pursuant to the transitional arrangements set out in Regulation 37 of the 2017 EIA Regulations. That regulation provides that (amongst other circumstances) where a request has been made that the SoS adopts a scoping opinion, prior to the date of the commencement of the 2017 EIA Regulations, then the 2009 EIA Regulations "*continue to apply to any application for an order granting development consent*". The Applicant submitted such a request to the SoS and it was received by the SoS on 21 February 2017, before 16 May 2017 (the commencement of the 2017 EIA Regulations), and therefore the 2009 EIA Regulations are those that apply to the Application.

The 2017 EIA Regulations amend 'The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009' (the 'APFP Regulations') so that (pursuant to Regulation 5(2)(a)) an ES must comply with the 2017 EIA Regulations. For the same reason as set out above - the transitional arrangements in Regulation 37 and the timing of the Applicant's scoping opinion request - this amendment to the APFP Regulations does not apply, and therefore the Applicant is required to submit an ES in the form required by the 2009 EIA Regulations.

However in the Scoping Opinion the SoS did draw attention to the 2014 EIA Directive stating "*Under the terms of the 2014/52/EU Directive, Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 16 May 2017. Whilst transitional provisions will apply to such new regulations, the Applicant is advised to consider the effect of the implementation of the revised Directive in terms of the production and content of the ES.*"

In consideration of the SoS's scoping opinion, the applicant has chosen to both comply with the 2009 EIA Regulations while also voluntarily addressing the additional elements introduced by the 2017 EIA Regulations.

The Application Submission

The Application is made in the form required by section 37(3)(b) of the 2008 Act. The Application Guide document (Application Document Ref. 1.2) lists all the documents that make up the Application and how these comply with the overall requirements of section 37 and the requirements set out in the abovementioned EIA Regulations and APFP Regulations, and associated policy and guidance. The Application Guide is a 'live' document that will be updated throughout the examination of the Application, as required.

Schedule 1 of the draft DCO (Application Document Ref. 2.1) provides the formal description of the Project and its components and identifies the individual Works Numbers ('Works Nos.') for those components. A detailed description of the Project is provided at Chapter 5 'Project Description and Alternatives' of the Environmental Statement ('ES') Volume I (Application Document Ref. 6.2.5).

The Land Plans (Application Document Ref. 4.2) show the extent of the land (the Order land) where the Proposed Development will be constructed if the Order is made, while the Works Plans (Application Document Ref. 4.3) show the Order limits and identify the location of the main components of the Project within the Site by reference to the Works Numbers ('Nos.') set out in Schedule 1 of the draft DCO.

The provisions of the draft DCO are explained in the Explanatory Memorandum (Application Document Ref. 2.2).

The Applicant is not applying for any powers of compulsory acquisition. In particular, there are no persons in Category 1 or 2 who have interests in land as described in APFP Regulation 7(1)(a) which it is proposed shall be subject to powers of compulsory acquisition, rights to use land, or rights to carry out protective works to buildings. In addition, there is no land or interest which falls within regulation 7(1) parts (b) to (e). After diligent inquiry SCU has not identified any Category 3 persons as defined in section 57(4) of the Planning Act 2008. As such, it is not applicable to provide a Book of Reference (BoR). The Application instead includes a Land Ownership and Interests Schedule (Application Document Ref. 3.1) which identifies Category 1 and 2 persons for the purposes of sections 42(1)(d), 44, 56(2)(d) and 57 of the Planning Act 2008.

As the development consent order does not authorise the compulsory acquisition of land or an interest in land or right over land a statement of reasons and funding statement is not required.

Further, there are no protective provisions included in the development consent order as none are required in order to protect interests of relevant statutory undertakers. National Grid has indicated in its consultation response (annexed to the Explanatory Memorandum document for ease of reference at Annex 2) that protective provisions are only required "where the promoter intends to acquire land, extinguish rights or interfere with NG apparatus". As land is not being compulsorily acquired and rights are not being extinguished or interfered with, protective provisions are not necessary. The connections to the two existing substations on the Project Site will be addressed under the 'Connection Application' that was submitted to National Grid on 19th September 2017 and any connection works will be carried

out in accordance with the terms of such agreement with National Grid. The Grid Connection Statement (Application Document Reference Number 5.2) provides further information in that regard.

Similarly details of other consents and licences not forming part of the draft DCO, which the Applicant will be seeking in relation to the proposed Project and its associated development, are set out in the document entitled 'Other consents and licences'(Application Document Ref. 5.4). A number of these applications will be progressed in parallel with the consideration of the draft Order by the Secretary of State. The Applicant will update PINS periodically in relation to the progress of these applications.

Consultation

The Applicant has engaged in the necessary consultation for the Project. Information regarding statutory consultation in accordance with Sections 42, 47 and 48 of the PA 2008, including how responses received to that consultation have been taken into account pursuant to Section 49 of the PA 2008, is documented within the Consultation Report (Application Document Ref. 5.1).

The Applicant has also had careful regard to the guidance on pre-application consultation issued by CLG and PINS, and its pre-application discussions held with PINS, as required by sections 50 and 55(4) of the 2008 Act.

The compliance of the Project with the relevant National Policy Statements and other relevant planning policy is set out in the Planning Statement (Application Document Ref. 5.5).

Schedule 2 'Requirements' of the draft DCO contains a number of 'requirements' that would control the detailed design of the Project in addition to its construction and operation to ensure that it remains within the scope of the EIA carried out and does not result in unacceptable impacts. These would require the submission to and approval by the local planning authority of further details of the Project.

We enclose with this letter:

- two copies of the Application Documents (as listed in the Application Guide - Application Document Ref. 1.2) in hard copy form; and
- six CDs containing the Application Documents.

The consultation responses received from the local community/members of the public have been omitted from appendices to the Consultation Report (Application Document Ref. 5.1) on the basis that they include personal information. These responses can be provided with personal information redacted if and when required.

A fee of £6,750.00 has already been paid to The Planning Inspectorate by BACS. The payment reference is PCM55CI77955277.

Please do not hesitate to contact Scott Taylor (scott.taylor@sembcorp.com) should you have any queries regarding the Application. In the meantime, we look forward to receiving acknowledgement of the Application and in due course confirmation of its acceptance.

Yours sincerely



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