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Tees CCPP Project

The Tees Combined Cycle Power Plant Project
Land at the Wilton International Site, Teesside

Volume 2 - Annex B

Regulations – 6(1)(b) and 8(1)

Applicant: Sembcorp Utilities UK
Date: November 2017

Annex B

Scoping Opinion



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

SCOPING OPINION

Proposed Teesside Combined Cycle Power Plant

Planning Inspectorate Reference: EN010082

March 2017

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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State (SoS) in respect of the content of the Environmental Statement (ES) for the proposed Teesside Combined Cycle Power Plant (the Proposed Development), Teesside, north-east England.

This report sets out the Secretary of State's opinion on the basis of the information provided by Sembcorp Utilities UK Limited (the Applicant) in their report entitled 'Teesside Combined Cycle Power Plant Scoping Report' (February 2017) (the Scoping Report). The Opinion can only reflect the proposals as currently described by the Applicant.

The SoS has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The SoS is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations).

The SoS draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- air quality impacts, particularly in relation to deposition on European sites;
- landscape and visual impacts, particularly in relation to prominent elements of the Proposed Development, such as the stacks; and
- construction traffic and transport impacts, particularly in relation to movement of abnormal loads on the local road network.

Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS.

The SoS notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations).

1 INTRODUCTION

Background

- 1.1 On 21 February 2017, the SoS received the Scoping Report submitted by the Applicant under Regulation 8 of the EIA Regulations in order to request a scoping opinion for the Proposed Development. This Opinion is made in response to this request and should be read in conjunction with the Applicant's Scoping Report.
- 1.2 The Applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the Proposed Development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the Proposed Development is determined to be EIA development.
- 1.3 The EIA Regulations enable an Applicant, before making an application for an order granting development consent, to ask the SoS to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the ES.
- 1.4 Before adopting a scoping opinion the SoS must take into account:
- *the specific characteristics of the particular development;*
 - *the specific characteristics of development of the type concerned; and*
 - *the environmental features likely to be affected by the development.*
- (EIA Regulation 8 (9))
- 1.5 This Opinion sets out what information the SoS considers should be included in the ES for the Proposed Development. The Opinion has taken account of:
- the EIA Regulations;
 - the nature and scale of the Proposed Development;
 - the nature of the receiving environment; and
 - current best practice in the preparation of an ES.
- 1.6 The SoS has also taken account of the responses received from the statutory consultees (see Appendix 3 of this Opinion). The matters addressed by the Applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the SoS will take account of relevant legislation and guidelines (as appropriate). The SoS will not be precluded from requiring additional information, if it is considered necessary in connection with the ES submitted with that application, when

considering the Proposed Development for a Development Consent Order (DCO).

- 1.7 This Opinion should not be construed as implying that the SoS agrees with the information or comments provided by the Applicant in their request for an opinion from the SoS. In particular, comments from the SoS in this Opinion are without prejudice to any decision taken by the SoS (on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP), Associated Development, or development that does not require development consent.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a Scoping Opinion must include:
- *a plan sufficient to identify the land;*
 - *a brief description of the nature and purpose of the development and of its possible effects on the environment;*
and
 - *such other information or representations as the person making the request may wish to provide or make.*
- 1.9 The SoS considers that this has been provided in the Applicant's Scoping Report.

The Secretary of State's Consultation

- 1.10 The SoS has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a Scoping Opinion. A full list of the consultation bodies is provided at Appendix 2. The Applicant should note that whilst the SoS's list can inform their consultation, it should not be relied upon for that purpose.
- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, together with copies of their comments, at Appendix 3, to which the Applicant should refer in undertaking the EIA.
- 1.12 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be

made available on our website. The Applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

1.14 This Opinion is structured as follows:

- **Section 1:** Introduction
- **Section 2:** The Proposed Development
- **Section 3:** EIA approach and topic areas
- **Section 4:** Other information

1.15 This Opinion is accompanied by the following Appendices:

- **Appendix 1:** Presentation of the ES
- **Appendix 2:** List of Consultation Bodies formally consulted
- **Appendix 3:** Respondents to consultation and copies of replies

2 THE PROPOSED DEVELOPMENT

Introduction

- 2.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in the Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/resources.

The Applicant's Information

Overview of the Proposed Development

- 2.2 The Proposed Development comprises the construction and operation of a combined cycle gas turbine power station, with an electrical output of up to 1,700 megawatts (MWe). Natural gas would be utilised as the fuel. The principal elements of the Proposed Development are listed in Section 1.3.2 of the Scoping Report and include:

- two gas turbine generators;
- two waste heat recovery steam generators;
- two condensing steam turbines;
- hybrid cooling towers up to 25m in height;
- two stacks up to 90m in height;
- a control room and instrumentation system;
- black start generator(s) and dedicated stack(s) (to allow the power station to restart in the event of a total or partial shutdown of the national transmission system);
- an administration building; and
- land set aside for carbon capture.

- 2.3 Section 1.3.2 of the Scoping Report explains that the Proposed Development is also likely to include:

- ancillary plant, equipment and buildings;
- internal roads and parking for car and heavy goods vehicles (HGVs);
- security fencing and alterations to an existing noise control wall;
- connection to the existing electricity grid infrastructure;
- inter-connections with the existing utilities for water, natural gas, and other ancillary fuels/materials;

- surface water management systems and foul drainage provision; and
- lighting.

2.4 Section 1.5.1 of the Scoping Report explains that the necessary connections between the proposed power station, the national grid and the national transmission system ‘...may require associated development off-site of the Draft DCO Application Boundary’.

Description of the site and surrounding area

The Proposed Development site

- 2.5 The Proposed Development would be located within the south-western corner of the wider Wilton International site, a major industrial complex located near Redcar in Teesside, north-east England. The Proposed Development site is located within the administrative boundary of Redcar and Cleveland Borough Council (RCBC). The site is noted to be approximately 19ha in size (Section 6.7.1 of the Scoping Report). Site location plans are provided as Figures 1.1 and 1.2 of the Scoping Report.
- 2.6 Section 3.2 of the Scoping Report explains that a combined cycle gas turbine power station with an output of up to 1,875 MWe was previously located on the Proposed Development site, which has since been decommissioned and demolished. The majority of the site is comprised of hard standing associated with the former power station.
- 2.7 An existing noise control wall (as illustrated in Figure 3.1 of the Scoping Report) is located in the southern part of the Proposed Development site. Two buildings constructed of brick and metal sheets are located within a secure fenced area within the Proposed Development site (Section 6.4.2 of the Scoping Report).
- 2.8 As illustrated on Figure 3.4 of the Scoping Report, the Proposed Development site contains two electricity substations (in the eastern and western parts of the site). Section 3.3.3 of the Scoping Report confirms that these substations are capable of exporting 1,700MWe and are currently in operation, supporting the wider Wilton International site.
- 2.9 Two tarmac car park areas are located on the western and southern site boundary and contain a few young whitebeam trees set in gravel beds. Narrow strips of grassland are located in the southern and western parts of the site (Section 6.4.2 of the Scoping Report). Section 6.4.2 of the Scoping Report also identifies the potential for nesting birds, brown hare and Lepidopteran species (butterflies, moths and skippers) to be present on or around the Proposed Development site.

- 2.10 Section 3.3.3 of the Scoping Report explains that two gas pipelines (a 60cm line and a 20cm line) connect into the northern part of the Proposed Development site, as illustrated on Figure 3.4.
- 2.11 The site also contains connections to potable water, demineralised water and raw water, as illustrated on Figure 3.4.

The Surrounding Area

- 2.12 The surrounding area is heavily industrialised. Section 1.3.3 of the Scoping Report explains that the wider Wilton International site (within which the Proposed Development site sits) comprises up to 810 hectares of development land with extant outline planning permission for heavy industrial use, brownfield land and light industrial land.
- 2.13 To the north, the site is bound by industrial land which forms part of the Wilton International site.
- 2.14 The operational Teesside Ensus bioethanol plant lies immediately to the east of the Proposed Development site. The village of Kirkleatham, designated as a conservation area, lies approximately 3km to the north-east. Kirkleatham contains a number of Grade I and II* listed buildings.
- 2.15 The site is bound to the south by open grazing land. Lazenby village, which is noted to represent the residential dwellings in closest proximity to the Proposed Development site, is located to the south-east (Section 6.10.2 of the Scoping Report). Lazenby contains a small group of Grade II listed buildings.
- 2.16 Two reservoirs are located approximately 900m to the south of the Proposed Development site, beyond which lie the Wilton Woods - a designated Local Wildlife Site (LWS) containing ancient woodland (see Figures 6.2 and 6.5 of the Scoping Report). Scheduled monuments are located at Eston Nab, to the south of the LWS, approximately 2km from the Proposed Development site (see Figure 6.6 of the Scoping Report).
- 2.17 Section 6.2.2 of the Scoping Report states that Lovell Hill Pools Site of Special Scientific Interest (SSSI) is located approximately 3km to the south-east. At its closest point, the North York Moors National Park is located approximately 5.5km to the south of the Proposed Development site (Section 6.10.2 of the Scoping Report). Parts of the National Park are designated as the North York Moors Special Protection Area (SPA) and Special Area of Conservation (SAC), located approximately 7.7km to the south of the Proposed Development site.
- 2.18 The Kettle Beck watercourse flows along the western site boundary (Section 6.2.2 of the Scoping Report). The A1053 (which provides

access to the site) is located to the west of the Proposed Development site. Beyond the A1053, a green corridor separates the Wilton International site from the residential areas of Grangetown and Eston (Section 6.10.2 of the Scoping Report). At its closest point, the Teesmouth and Cleveland Coast SPA is located approximately 4.3km to the west of the Proposed Development site (Table 6.3 of the Scoping Report).

Alternatives

- 2.19 Section 5.9 of the Scoping Report confirms that the EIA will set out the main alternatives considered by the Applicant and the main reasons for the choice made, taking into account the environmental effects. It is noted that this will include alternative locations, technologies, designs and methods of construction/operation.

Description of the Proposed Development

- 2.20 The key features of the Proposed Development are described in Section 3.3 of the Scoping Report. The Proposed Development will comprise a new combined cycle gas turbine power station, with an electrical output of up to 1,700MWe.
- 2.21 The fuel source will be natural gas, supplied from the National Grid via an existing gas pipeline on the Proposed Development site (Section 3.3.2 of the Scoping Report). The existing 60cm gas pipeline which connects into the Proposed Development site would be the primary supply route for the Proposed Development (Section 3.3.3 of the Scoping Report). The existing 20cm gas pipeline may be used as a back-up supply route.
- 2.22 Equipment to allow 'black start' capability in line with National Grid's requirements may form part of the Proposed Development (Section 3.3.2 of the Scoping Report). It is noted that black start may require the power station to be able to run on diesel fuel in addition to natural gas. Black start would require on-site diesel storage and separate stack(s) in addition to those proposed as part of the main power station (Section 3.3.2 of the Scoping Report).
- 2.23 The layout of the Proposed Development is illustrated on Figure 3.2 of the Scoping Report. Section 3.3.1 of the Scoping Report explains that the two gas turbine units, two steam turbine units, ancillary plant and equipment will be located in the western part of the Proposed Development site. The hybrid cooling towers will be located in the northern part of the site, with the eastern section of the site to be set aside for possible future carbon capture equipment.
- 2.24 Approximate dimensions for the main structures (including length, width and height) are set out in Table 3.1 of the Scoping Report.

Proposed access

- 2.25 Section 3.3.6 of the Scoping Report describes the proposed access arrangements.
- 2.26 Vehicular access to the site during both construction and operation would be via an existing access point from the A1053, located to the west of the Proposed Development site (Section 6.8.2 of the Scoping Report). Construction traffic routes on the main road network will be specified and agreed with haulage firms servicing the wider Wilton International site (Section 3.3.6 of the Scoping Report).
- 2.27 Internal access roads will provide construction access within and around the site. Emergency access routes would be installed as part of the Proposed Development (Section 3.3.6 of the Scoping Report).
- 2.28 The Applicant anticipates that components will be shipped into a port on the east coast, with the most likely destination noted to be Tees Port. Any abnormal loads will be transported from Tees Port to the Proposed Development site via Tees Dock Road and the A1053.

Construction

- 2.29 A high level description of the construction phase activities and the associated timescales is provided in Section 3.4 of the Scoping Report. Section 6.3.5 provides a description of the key construction phase activities.
- 2.30 Section 3.5 of the Scoping Report confirms that construction would take place over a 39 month period. Approximately 945 employees are anticipated to be required at the peak period of construction (Section 3.5 of the Scoping Report). Figure 3.6 of the Scoping Report provides a graph that illustrates the approximate numbers of construction workers required across the 39 month period.
- 2.31 Construction working hours have not been stated. Section 5.7.4 of the Scoping Report indicates that night-time construction works will be required, although the anticipated frequency of this has not been stated. It is noted in Section 3.3.6 of the Scoping Report that during the construction period abnormal loads may be delivered to the site during the night.
- 2.32 Section 5.6 of the Scoping Report states that a Construction Environmental Management Plan (CEMP) would be prepared for the Proposed Development.
- 2.33 Details of lighting during the construction phase have not been provided.
- 2.34 Section 6.8.3 of the Scoping Report explains that whilst the numbers of HGVs and abnormal loads required during construction are not yet known, it is estimated that HGV movements would peak at between

30 and 40 per day. Construction workers would likely travel to and from the site via car/van (Section 6.8.3 of the Scoping Report).

Operation and maintenance

- 2.35 Once operational, the Proposed Development would generate approximately 60 full-time jobs (Section 3.5 of the Scoping Report).
- 2.36 The hours of operation of the Proposed Development have not been stated in the Scoping Report. The frequency of any planned shutdowns for maintenance purposes and the number of employees required for such maintenance works have not been stated.
- 2.37 The number of traffic movements anticipated during operation of the Proposed Development has not been identified in the Scoping Report. Section 6.8.3 of the Scoping Report notes that this is likely to be consistent with the number of traffic movements generated during operation of the now-decommissioned power station.
- 2.38 Operational lighting is likely to be required (Section 1.3.2 of the Scoping Report).
- 2.39 Section 5.7.4 of the Scoping Report confirms that the Proposed Development would have an operational lifespan of at least 25 years.

Decommissioning

- 2.40 Section 5.4 of the Scoping Report confirms that decommissioning of the Proposed Development will be considered in the ES.

The Secretary of State's Comments

Description of the Proposed Development site and surrounding area

- 2.41 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the SoS would expect the ES to include a separate section that summarises the site and surroundings. This should identify the context of the Proposed Development, any relevant designations and sensitive receptors. It should identify land that could be directly or indirectly affected by the Proposed Development and any associated auxiliary facilities, landscaping areas and potential off-site mitigation or compensation schemes.

Description of the Proposed Development

- 2.42 The key features of the Proposed Development are described in Section 3.3 of the Scoping Report. The inclusion of figures to support the description is welcomed, but the Applicant should ensure that all figures in the ES are provided at an appropriate resolution to ensure

legibility. For example, the text on Figures 3.2 and 3.3 of the Scoping Report is illegible on both the electronic and the hard copy.

- 2.43 The SoS welcomes the inclusion in the Scoping Report of Table 3.1 (page 13), setting out the approximate dimensions of the main structures of the Proposed Development. The presentation of such information in tabular form in the ES will be helpful. The SoS also notes and welcomes the statement below it that the approach to the assessment will be to adopt a worst case scenario for the topic assessments, including in respect of dimensions. Where dimensions of structures have not been fixed at the time the DCO application is made, they should be expressed as a maximum, and must be consistent with the parameters stipulated in the DCO.
- 2.44 Section 1.3.2 of the Scoping Report includes black start generators and dedicated stacks in the list of main components of the Proposed Development, however the information in Section 3.3.2 suggests that a black start facility is only an option at this stage. It is stated that the stacks would be 'significantly lower' than the main stacks, but no dimensions of the black start facility are provided, and no reference is made to the assessment of its potential impacts elsewhere in the Scoping Report, such as in the topic chapters.
- 2.45 In relation to the gas transmission system connection, no further reference, other than that in Section 3.3.2, is made to the possible use of the existing 20cm gas pipeline as a backup connection for the existing 60cm gas pipeline.
- 2.46 The Applicant should ensure that the description of the Proposed Development that is being applied for is as accurate and firm as possible as this will form the basis of the EIA. It is understood that at this stage in the evolution of the scheme the description of the proposals may not be confirmed. The Applicant should be aware, however, that the description of the Proposed Development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO application.
- 2.47 In the event that a DCO application is submitted, the Applicant should clearly define what elements of the Proposed Development are integral to the NSIP, and whether any elements are 'Associated Development' under the Planning Act 2008 (as amended) (PA2008) or ancillary matters. Associated Development is defined in the PA2008 as development which is associated with the principal development. Guidance on Associated Development can be found in the Department of Communities and Local Government (DCLG) publication 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects'.

- 2.48 Any proposed works and/or infrastructure required as Associated Development or an ancillary matter (whether on or off-site) should be assessed as part of an integrated approach to environmental assessment. It is noted from Section 1.5.1 of the Scoping Report that the effects resulting from any associated development will be considered as part of the EIA and this is welcomed.
- 2.49 The SoS recommends that the ES should include a clear description of all aspects of the Proposed Development, at the construction, operation and decommissioning phases, and include:
- land use requirements, including the area of the offshore elements;
 - site preparation;
 - construction processes and methods;
 - transport routes;
 - operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings and their disposal;
 - maintenance activities including any potential environmental or navigation impacts; and
 - emissions - water, air and soil pollution, noise, vibration, light, heat and radiation.
- 2.50 The potential environmental effects resulting from the processing and removal of all wastes from the site at all phases of the Proposed Development should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off-site. All waste types should be quantified and classified. The SoS notes and welcomes the statement in Section 6.3.6 of the Scoping Report that a construction waste management plan will be developed in accordance with Defra guidance and in consultation with the Environment Agency (EA) and RCBC.
- 2.51 The Applicant's attention is drawn to the consultation response from the EA, which states that a Combined Heat and Power-Ready assessment (as required by Article 14 of the Energy Efficiency Directive) should be provided as part of the ES. A link to information on this is provided in the EA's consultation response and the Applicant should liaise with the EA if further advice is required in this regard.

Grid connection

- 2.52 Section 4.5.2 of the Scoping Report confirms that the location of the grid connection will be within the Proposed Development site. Any works required for the connections should be described and assessed in the ES. The SoS notes that Section 3.3.3 of the Scoping Report

confirms that gas and electricity connection applications (to connect the Proposed Development to the existing gas and electricity infrastructure on site) will be submitted to National Grid (NG) 'in due course'.

- 2.53 The Applicant is referred to the consultation response from NG, contained in Appendix 3 of this Opinion, in respect of NG infrastructure on and near the Proposed Development site, and the need for early discussion with them.

Flexibility

- 2.54 The SoS notes the comments in Section 5.8 of the Scoping Report, which explain that a degree of flexibility will be built into the Proposed Development, and that the Applicant intends to use a 'Rochdale Envelope' approach to set a series of parameters, encompassing the potential variations in design and all other aspects of the Proposed Development. These parameters will inform the technical assessments presented in the ES.
- 2.55 The scheme parameters will need to be clearly defined in the draft DCO (dDCO) and therefore in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations. The Applicant should ensure that the parameters are consistently applied throughout the ES.
- 2.56 The SoS notes that the Applicant refers to the use of guidance in the Planning Inspectorate's Advice Note Nine: 'Using the 'Rochdale Envelope''. The Applicant's attention is also drawn to the 'Flexibility' section in Appendix 1 of this Opinion, which provides additional details on the recommended approach. It should be noted that if the Proposed Development changes substantially during the EIA process, prior to application submission, the Applicant may wish to consider the need to request a new Scoping Opinion.

Proposed access

- 2.57 The SoS welcomes the information provided in Section 3.3.6 of the Scoping Report regarding the proposed access arrangements.
- 2.58 If new internal access roads and emergency access routes are to be constructed on the Proposed Development site, these should be clearly described in the ES and any potential environmental effects assessed.

Alternatives

- 2.59 The EIA Regulations require that the Applicant provide 'An outline of the main alternatives studied by the Applicant and an indication of the main reasons for the Applicant's choice, taking into account the environmental effects' (see Appendix 1).
- 2.60 The SoS notes from Section 5.9 of the Scoping Report that the Applicant proposes to include this information in the ES (including alternative locations, technologies, designs and methods of construction/ operation), and this approach is welcomed.

Construction

- 2.61 The SoS considers that information regarding construction of the Proposed Development should be clearly set out in the ES, supported by plans as appropriate. This should include, but is not limited to:
- the phasing of the programme including anticipated start and end dates;
 - construction methods, (eg piling) and activities (eg demolition) associated with each phase;
 - types of plant and machinery required and their anticipated noise levels;
 - anticipated numbers of both full and part time workers;
 - hours of construction and the anticipated frequency of any night time working;
 - lighting equipment/requirements;
 - the phasing of any landscaping proposed;
 - number, routing and parking of construction vehicles (including abnormal loads, HGVs, Light Goods Vehicles (LGVs) and staff vehicles; and
 - confirmation of whether Tees Port or an alternative will be utilised for shipping components, including the frequency and timings of such deliveries in the construction programme; and
 - confirmation of whether any construction materials would be transported by rail.
- 2.62 The SoS notes that no information has been provided in the Scoping Request regarding the location and size of construction compounds. Whilst it is appreciated that this information may not be available at this stage in the evolution of the Proposed Development, applicants are reminded that this information will be required and that the required land must be included within the Proposed Development site.

- 2.63 The SoS welcomes the Applicant's intention (as stated in Section 5.6 of the Scoping Report) to prepare a CEMP for the Proposed Development. A draft/outline CEMP should be appended to the ES and should clearly distinguish between construction and operational activities. The CEMP must be secured by a suitably worded DCO requirement.

Operation and maintenance

- 2.64 Information on the operation and maintenance of the Proposed Development should be included in the ES and should cover but not be limited to such matters as:
- the number of full/part-time jobs;
 - the operational hours and, if appropriate, shift patterns;
 - the frequency of any planned shutdowns for maintenance purposes and the anticipated number of workers required for such shutdowns;
 - the number and types of vehicle movements generated (including HGVs, LGVs and staff vehicles); and
 - lighting requirements.

Decommissioning

- 2.65 The SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials, such that structures can be taken down with the minimum of disruption. The process and methods of decommissioning should be considered and options presented in the ES.
- 2.66 The Scoping Report (Section 5.7.4) indicates that the design life of the power plant would be at least 25 years. The SoS welcomes the Applicant's intention to include an assessment of the environmental effects of decommissioning the Proposed Development in the ES (as stated in Section 5.4 of the Scoping Report).

3 EIA APPROACH AND TOPIC AREAS

Introduction

- 3.1 This section contains the SoS's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 1 of this Opinion and should be read in conjunction with this section.

EU Directive 2014/52/EU

- 3.2 The SoS draws the Applicant's attention to European Union (EU) Directive 2014/52/EU (amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment) which was made in April 2014.
- 3.3 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.
- 3.4 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.
- 3.5 On 23 June 2016, the UK held a referendum and voted to leave the European Union (EU). There is no immediate change to infrastructure legislation or policy. Relevant EU Directives have been transposed in to UK law and those are unchanged until amended by Parliament.

National Policy Statements (NPSs)

- 3.6 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendations to the SoS and include the Government's objectives for the development of NSIPs.
- 3.7 The relevant NPSs for the Proposed Development relate to the energy sector, ie EN-1, EN-2, EN-4 and EN-5, and set out both the generic and technology-specific impacts that should be considered in the EIA. When undertaking the EIA, the Applicant must have regard to both the generic and technology-specific impacts and identify how these impacts have been assessed in the ES.
- 3.8 The SoS must have regard to any matter that the SoS thinks is important and relevant to their decision. This could include a draft NPS if the relevant NPS has not been formally designated.

Environmental Statement Approach

- 3.9 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the SoS notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the SoS or the consultees.
- 3.10 The ES should not be a series of separate reports collated into one document, but a comprehensive assessment drawing together the environmental impacts of the Proposed Development. This is particularly important when considering impacts in terms of any permutations to or parameters of the Proposed Development.
- 3.11 The SoS notes that Section 8.1 and Table 8.1 (pages 119 to 122) summarise the proposed scope of the ES. The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.
- 3.12 The SoS recommends that the Applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The SoS notes and welcomes the ongoing consultation with statutory and non-statutory bodies, and recommends that each topic section of the ES includes information on the relevant consultation that has been undertaken and how it has informed the assessments.
- 3.13 The Scoping Report is inconsistent in its presentation of the proposed methodology for the assessments. Section 5 of the Scoping Report does not clarify matters in this regard and the topic sections individually fail to define what would be considered to constitute a significant effect. It will be important for the ES to include a clear methodology that defines how magnitude and sensitivity of a receptor is assigned. The SoS also advises that the overarching methodology and criteria used for the assessment should be described in a discrete ES chapter and applied appropriately throughout. Any departure from the methodology should be described, as relevant, in individual topic chapters.
- 3.14 The ES should clearly identify all the potentially significant effects, the specific mitigation measures proposed to avoid or reduce those effects, and any remaining residual effects, significant or otherwise for each phase of the Proposed Development. It should be clearly

identified in the ES which measures are 'embedded' mitigation and which are 'further' mitigation measures, and these terms should each be clearly defined.

- 3.15 The SoS notes that information on the assessment of cumulative air quality effects is included in the 'Cumulative Effects Assessment Methodology' contained in Annex A of the Scoping Report, rather than this topic chapter, although some of the other topic chapters include information on cumulative effects. The SoS recommends that a consistent approach is applied throughout the ES.
- 3.16 The Scoping Report makes no reference, at a topic level, to the potential impacts of the black start facility. The SoS acknowledges that it is not certain at this stage whether such infrastructure will be included in the DCO application. If black start is included, the impacts of the facility and its components, such as, the stack(s) and the need for on-site diesel storage, must be fully assessed and the effects reported on in the ES.
- 3.17 The SoS notes that components of the Proposed Development are expected to be manufactured abroad and shipped to a UK east coast port, most likely Tees Port, and that abnormal loads will be transported from there to the Proposed Development site primarily via Tees Dock Road and the A1053. No further reference is made in the Scoping Report to the use of Tees Port or any other port. The ES should consider the likely port (or port options if one has not yet been selected) that will be used. This information will help inform an assessment of the likely effects associated with movement of abnormal loads for topics such as traffic, noise, vibration and air quality.
- 3.18 The SoS notes that the proposed methodology for the cumulative effects assessment (CEA) is contained in Annex A of the Scoping Report. The Applicant may wish to consider incorporating it into the overarching EIA methodology chapter in the ES, and approach any departure from it as described above. Similarly, the Applicant may wish to present the CEA as part of each individual ES topic chapter or in a discrete standalone CEA chapter.
- 3.19 It is noted that Figure A1.1 (Annex A, Section A1.2) includes a reference to the inclusion of projects in the CEA that are already in existence and operating. The SoS advises that such projects would usually be assessed as part of the baseline, not the CEA, and refers the Applicant to the advice on CEA contained in Appendix 1 of this Opinion and in the Planning Inspectorate's Advice Note Seventeen (AN17) (available on our website). Table 3 of AN17 identifies the types of development that should be considered in a CEA. The acknowledgement in Section A1.2 of the value of consultation in identifying plans and projects to be screened in to the assessment is welcomed.

- 3.20 No reference is made in Annex A to cumulative vibration impacts, although Section 8.1 and Table 8.1 of the Scoping Report suggest that vibration will be considered in the EIA, along with noise. The relevant topic chapter should set out the Applicant's conclusion in respect of the potential or otherwise for cumulative vibration impacts.
- 3.21 The SoS recommends that in order to assist the decision-making process, the Applicant may wish to consider the use of tables in the ES to:
- demonstrate how the assessment has taken account of this Opinion and other responses to consultation;
 - set out the mitigation measures proposed (in addition to assisting the reader, the SoS considers that this would also enable the Applicant to cross-refer the proposed mitigation to specific provisions proposed to be included within the dDCO);
 - identify and collate the residual effects following mitigation on the basis of specialist topics, inter-relationships and cumulative effects; and
 - cross-reference where details in the Habitats Regulations assessment (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Environmental Statement Structure

- 3.22 Section 8.2 of the Scoping Report provides a broad outline of what the ES will comprise, and confirms that a Non-technical Summary will be provided. It does not describe how the ES will be structured, such as, for instance, whether it will be presented in a series of volumes. The Applicant is referred to the advice contained in Appendix 1 of this Opinion on the presentation of an ES. In particular, the use of paragraph and page numbers throughout the ES would greatly assist the reader.
- 3.23 The topic sections in the Scoping Report are not structured in the same way and are not consistent in providing the same level of information, for example, such as in relation to describing the extent of the study area, or identifying potential residual or cumulative effects. The SoS recommends that the topic chapters in the ES are structured consistently and that each chapter provides equivalent information.
- 3.24 Although the Scoping Report does not explicitly identify the topics that will be included in the ES, Section 8.1 notes that Chapter 6 of the Report identifies all the topics that the Applicant proposes will be assessed during the EIA process, which are as follows:
- Water resources and flood risk

- Ground conditions and contamination
- Ecology and nature conservation
- Noise and vibration
- Air quality
- Archaeology and cultural heritage
- Traffic and transport
- Socio-economics
- Landscape and visual

Matters to be scoped in/out

3.25 The Applicant has identified in some topic sections and in Table 8.1 (pages 119 to 122) of the Scoping Report a number of matters that it does not propose to consider, although it is not always explicit if they are proposed to be formally scoped out. The SoS assumes that the following matters are proposed to be scoped out:

- impacts on buried archaeology during construction and decommissioning;
- vibration impacts during construction;
- traffic emissions during operation;
- traffic noise during operation;
- impacts on tourism;
- landscape and visual impacts during construction;
- cumulative surface water impacts;
- cumulative flood risk impacts;
- cumulative geology and land contamination; and
- cumulative socio-economic impacts.

3.26 It is proposed that impacts on buried archaeology during construction and decommissioning are scoped out as the site was previously disturbed during the construction of the now decommissioned power station, and the Applicant considers it unlikely that any buried archaeological remains survive on the site (Section 6.7.2 of the Scoping Report). It is noted in Section 6.7.3 of the Scoping Report that no intrusive works or ground disturbance are proposed outside of the former power station footprint. The SoS considers that this approach is acceptable subject to demonstrable agreement with the Councils' archaeological advisors and (if required) Historic England.

3.27 It is proposed that vibration during the construction phase is scoped out on the basis that there are not likely to be any significant effects as a result of the separation distances of receptors from potential sources of vibration. Although the information provided is quite

limited the SoS is content that vibration can be scoped out. However, if necessary, consideration should be given to any specific sources of vibration impact, for example, the transport of abnormal loads on the local road network.

- 3.28 It is proposed that traffic emissions during the operational phase are scoped out on the basis that they are not considered to have any likely significant effects on people or ecological receptors. The SoS agrees that this matter can be scoped out on the basis that the number of traffic movements during the operational phase of the Proposed Development is unlikely to be sufficient to generate significant effects.
- 3.29 It is proposed that traffic noise during the operational phase is scoped out on the basis that as the site can be accessed via major roads which already serve the industrial estate noticeable changes in traffic noise are unlikely. The SoS agrees that this matter can be scoped out on the basis that the likely number of traffic movements generated during the operational phase of the Proposed Development is unlikely to be sufficient to generate significant effects.
- 3.30 It is proposed that impacts on tourism are scoped out on the basis that tourism is not an important contributor to the local economy. Bearing in mind the location of the Proposed Development, the SoS agrees that this matter can be scoped out. However the Applicant should have regard to any comments made subsequently by relevant bodies during its own consultation process.
- 3.31 The Applicant proposes not to include an assessment of the potential landscape and visual impacts resulting from construction of the Proposed Development in the ES (Table 8.1 of the Scoping Report). On the basis on the information provided in the Scoping Report, the SoS does not agree to scope this matter out of consideration in the ES. Construction of the Proposed Development is estimated to last some 39 months and is likely to involve tall structures including cranes and night time lighting. The SoS recognises the need for a proportionate assessment of construction phase effects but considers that potential visual impacts during the construction phase should be assessed in the ES.
- 3.32 It is proposed to scope out cumulative surface water impacts on the basis that surface water would be managed within the site; effluent discharges would have to meet the requirements of the 2017 Water Environment Regulations; and potential cumulative effects with other discharges would be fully considered under the permitting process. The SoS agrees that this matter can be scoped out.
- 3.33 It is proposed to scope out cumulative flood risk impacts on the basis that residual flood risk to and from the Proposed Development is anticipated to be low and would be entirely managed within the site. The SoS agrees that this matter can be scoped out on this basis but

recommends ongoing dialogue with the EA regarding flood risk matters.

- 3.34 It is proposed to scope out cumulative geology and land contamination impacts on the basis that all ground condition and contamination impacts would be confined to the Proposed Development site and there would be no significant requirement for off-site soil disposal. However, Section 6.3.5 of the Scoping Report also states that if contamination is found on the site mitigation measures will be incorporated into the construction programme, which suggests that there is still potential for significant effects. Therefore the SoS does not agree that this matter can be scoped out as the information that has been provided at this stage to justify this approach is insufficient.
- 3.35 It is proposed to scope out cumulative socio-economic impacts on the basis that the Proposed Development would be set against a background of a variety of economic development activities, and would have regional economic and employment benefits. The SoS agrees that this matter can be scoped out.
- 3.36 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the SoS. Whilst the SoS has not agreed in this Opinion to scope out certain topics or matters on the basis of the information available at this time, this does not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such topics/matters out of the ES, where further evidence has been provided to justify this approach. In order to demonstrate that the topics/matters have not simply been overlooked, the ES should explain the reasoning for scoping them out and justify the approach taken.

Topic Areas

Water Resources and Flood Risk (see Scoping Report Section 6.2)

- 3.37 The SoS welcomes the intention to provide a Flood Risk Assessment (FRA) (Section 6.2.1 of the Scoping Report), and notes that it is not anticipated that the sequential or exception tests will need to be applied on the basis of the location of the Proposed Development site within Flood Zone 1 and on the site of a former power station surrounded by similar development. The SoS recommends that this approach is agreed with the EA and RCBC prior to the submission of the DCO application. The SoS notes that it is intended to submit the FRA as a separate document with the DCO application, and advises that it should instead form an appendix to the ES.
- 3.38 The SoS notes the reference to a draft Code of Construction Practice (dCoCP) in relation to minimising impacts of discharges from the site, and avoiding potential pollution of the Kettle Beck watercourse

(Sections 6.2.1 and 6.2.3 of the Scoping Report). The SoS advises that the ES should identify the location of the dCoCP within the application documents and cross-reference to relevant sections within the dCoCP.

- 3.39 The SoS notes (Sections 6.2.1 and 6.2.2 of the Scoping Report) that the water required by the Proposed Development for cooling and during natural gas firing would be supplied by an existing onsite water supply which is abstracted from the River Tees, and that any potential impacts on abstraction points in the area will be investigated and qualified. The SoS refers the Applicant to advice in Section 4 of this Opinion, in relation to the information that should be provided in the ES about any permits or licences required for the Proposed Development, such as, for example, a new, or variation to an existing, abstraction licence. The Applicant's attention is drawn to the comments of the EA, contained in Appendix 3 of this Opinion, particularly in respect of the need for an environmental permit, and an abstraction licence in the event that a 'once-through' cooling system is utilised, although the Scoping Report indicates that hybrid cooling towers are proposed at this time as the preferred cooling water system for the Proposed Development.
- 3.40 The SoS notes that the water that would be discharged to avoid the build-up of impurities in the heat recovery steam generator (HRSG) steam/water cycle would contain quantities of chemicals used to prevent corrosion and scaling. Where possible, such substances should be quantified in the ES.
- 3.41 The SoS welcomes the provision of a plan (Figure 1) identifying the location of water bodies and water-sensitive receptors, and recommends that such a plan contained within the ES should identify each feature by name.
- 3.42 The SoS notes the Applicant's conclusion at this stage that a Water Framework Directive (WFD) Compliance Assessment will not be required to assess construction impacts on the surrounding water bodies, and welcomes that further consultation will be undertaken with the EA to confirm this. The Applicant's attention is drawn to the advice on the WFD contained in Section 4 of this Opinion. It is noted that the Applicant has not proposed at this time to scope out the need for such an assessment. Should it be scoped out prior to the submission of the DCO application the ES should reflect the outcome of the discussion with the EA.
- 3.43 The SoS notes that the sizing and layout of the surface water drainage system and sewerage system for the Proposed Development site will be confirmed at detailed design stage. If the detailed design of such features is not confirmed within the DCO application then the assessment will need to be based on clearly defined and justified parameters. The Applicant is referred to comments made earlier in this Opinion relevant to flexibility.

- 3.44 The Applicant is referred to the consultation responses, contained in Appendix 3 of this Opinion, from Public Health England (PHE) in respect of emissions to water; and Northumbrian Water in relation to the water and waste water requirements of the Proposed Development.
- 3.45 Cross-reference should be made in the ES between this topic chapter and the ground conditions and contamination chapter.

Ground Conditions and Contamination (see Scoping Report Section 6.3)

- 3.46 The SoS assumes from the wording of Section 6.3.2 that the study area for this topic is the area contained within the 'Indicative Site Boundary' identified on Figure 6.1. The extent of the study area must be clearly described in the ES.
- 3.47 The SoS notes that in relation to identifying the baseline conditions for the assessment, the Applicant relies on reports and information prepared by another party in respect of the application for the surrender of the environmental permit for the former power station on the site. The Applicant must ensure that the information is sufficient for the purposes of the assessment, and if the Applicant is to rely on these it should be agreed with the EA that they represent relevant, comprehensive and current information. Evidence of any agreement should be provided and the relevant background reports and information should be appended to the ES.
- 3.48 This topic section does not include a definition of what would be considered to constitute a significant effect, pre-mitigation effects are only described in terms of 'low' potential, or 'not significant', (Section 6.3.5), and the level of the potential residual effects described in Table 6.1 (page 64) is not defined. The ES should describe the methodology and criteria used to define the magnitude of an effect, the sensitivity of a receptor, the levels of significance, and what constitutes a significant effect.
- 3.49 The SoS notes (according to Section 6.22 of the Scoping Report) that the Kettle Beck watercourse flows along the western boundary of the site boundary, and that a Secondary Undifferentiated Aquifer lies beneath the site, and recommends that consideration of potential impacts on these features through pollution pathways is addressed in the ES. Groundwater is the potential pathway for discharge of liquids to surface and coastal waters, and the SoS considers that the impacts of climate change, in terms of increased run-off and rises in sea level, should be taken into account in the ES.
- 3.50 Column 5 of Table 6.1 refers to the delivery of mitigation through planning conditions and 'development briefs'. The SoS is unclear as to what is meant by development briefs, and assumes that the reference to planning conditions is to potential requirements in a

DCO. Proposed mitigation measures must be clearly identified and described in the ES and capable of being secured by relevant requirements in the DCO.

- 3.51 The proposals considered under the heading of 'Permanent Mitigation' in the Applicant's Scoping Report are unclear. If there are outstanding works associated with a requirement to complete remediation and validation works for the site '...particularly during the removal of the existing foundations but also as part of the construction process and to discharge any associated consent conditions via submission of relevant reports to RCBC' (Scoping Report, Section 6.3.6), this should be assessed within the ES. The ES should also consider and if necessary assess the extent to which any other requirements result in activities relevant to the overall assessment.
- 3.52 The SoS notes the intention for some proposed mitigation measures relevant to ground conditions and contamination to be contained in the dCoCP, and Table 8.1 (Section 8.1, page 119) also states that relevant construction mitigation will be 'defined' in a CEMP. Draft versions of both of these documents should be provided with the application.
- 3.53 Cross-reference should be made in the ES between this topic chapter and the water resources chapter.

Ecology and Nature Conservation (see Scoping Report Section 6.4)

- 3.54 The SoS notes the Applicant's proposal to conduct a walk-over survey of the Proposed Development site and to prepare a 'suitably worded planning condition' (DCO Requirement) to avoid any harm to birds which may be nesting on the site. The Applicant's attention is drawn to the consultation response from NE, which recommends that a Phase 2 habitat survey of the site is undertaken. The need for any further surveys beyond the walk-over survey proposed should be discussed and agreed with NE and the Council's ecology officer. The approach to survey effort should be agreed and evidence of such agreement should be appended to the ES. The Applicant should be aware of the need to justify how the approach accords with the requirements of policy 5.3.3 of NPS EN-1.
- 3.55 The guidelines followed for the ecological assessment (and any surveys) should be clearly identified in the ES chapter. The Applicant should ensure that the most up to date versions of guidance documents are used.
- 3.56 The potential impacts on international, nationally and locally designated sites should be described and assessed in the ES. The Applicant's attention is drawn to the consultation response from NE, which emphasises the need to also consider sites which have been designated for their geological importance. The Applicant is advised

to discuss potential effects on LWSs and any mitigation proposed with the local wildlife trust/s.

- 3.57 It is proposed that a 15km study area will be used to identify internationally and nationally designated sites, and a 2km study area to identify areas of ancient woodland and LWSs. These study areas should be discussed and agreed with NE/the Council, as appropriate. It is noted from North Yorkshire County Council's consultation response that it considers the use of a 15km study area to identify international sites to be appropriate.
- 3.58 It is noted that Table 6.2 of the Scoping Report identifies nationally designated ecological sites within a 15km radius of the Proposed Development site. In addition to this, Figure 6.2 of the Scoping Report usefully illustrates the 15km buffer and the locations of these ecological sites. A plan akin to Figure 6.2 should be provided with the ES, although this should additionally clearly identify all components of the same SSSI. For example, whilst part of the Tees and Hartlepool Foreshore and Wetlands SSSI is identified by a label to the north of the 15km buffer, Section 6.4.2 of the Scoping Report indicates that other components of this SSSI are located closer to the Proposed Development site, although this is not clear from Figure 6.2.
- 3.59 However, it is noted from Figure 6.2 that the following nationally designated sites are located within a 15km radius of the site, but have not been identified in Table 6.2:
- Lovell Hill Pools SSSI
 - Cliff Ridge SSSI
 - Salburn Gill SSSI
 - Langbaugh Ridge SSSI
- 3.60 It is also noted that Table 6.2 and Section 6.4.2 of the Scoping Report identifies Tees and Hartlepool Foreshore and Wetlands SSSI as the closest nationally designated site to the Proposed Development site, located approximately 4.3km to the west. However, Section 6.2.2 of the Scoping Report states that Lovell Hill Pools Site of SSSI is located approximately 3km to the south-east of the Proposed Development site. The Applicant should ensure that the information provided is consistently reflected throughout the ES.
- 3.61 It is noted from Section 6.4.4 of the Scoping Report that the Applicant intends to describe in the ES the ecological mitigation proposals for the Proposed Development site, and this is welcomed. The Applicant should also consider the potential to deliver mitigation through improvement of existing but degraded sites within the local area, eg LWSs. The Applicant should clearly demonstrate, with cross-reference to the dDCO as appropriate, how the delivery of all mitigation measures is secured.

- 3.62 In accordance with policy 5.3.18 of NPS EN-1, the Applicant should demonstrate how opportunities will be taken to enhance existing habitats and where practicable, to create new habitats of value within the site landscaping proposals. It is noted from Section 6.4.4 of the Scoping Report that the Applicant intends to include this information in the ES and this is welcomed.
- 3.63 Where no impacts on designated sites, habitats and species are envisaged, this should be justified using appropriate evidence and evidence of agreement with statutory parties provided.
- 3.64 The Applicant's attention is drawn to Section 5 of the consultation response from NE, which advises that the ES should reflect the principles of the England Biodiversity Strategy (published by Defra) in relation to how the effects of the Proposed Development will be influenced by climate change and how ecological networks will be maintained. The SoS recommends that the Applicant thoroughly considers these matters in the ES and liaises with NE to agree an approach, if possible.
- 3.65 The SoS notes that elements of the ecological assessment will be closely linked to the air quality assessment and this is welcomed. The ecological assessment should also cross-refer to the noise and vibration, water quality and landscape and visual (in respect to light spill) assessments as appropriate.
- 3.66 The SoS notes from Section 6.4.4 of the Scoping Report that the Applicant intends to undertake a Habitats Regulations Assessment (HRA) screening exercise to assess the potential impacts on four European sites identified within a 15km radius of the site:
- Teesmouth and Cleveland Coast SPA
 - Teesmouth and Cleveland Coast Ramsar site
 - North York Moors SAC
 - North York Moors SPA

However Table 6.3 of the Scoping Report identifies only three internationally designated sites (and their interest features) within a 15km radius of the site, and omits the Teesmouth and Cleveland Coast Ramsar site. The Applicant should ensure that information is consistently reflected in the ES and information provided to support consideration under the Habitats Regulations.

- 3.67 The SoS understands that it is the Applicant's contention that the only likely effect pathway is via atmospheric emissions (and deposition of nitrogen and acid). However the Scoping Report also states that a range of possible effects will be considered in the screening exercise. The Applicant should seek to secure agreement with Natural England on the scope of the assessment (including the 15km study area, the potential impacts considered, the European

sites and their features considered) and the conclusions of the HRA prior to submission of the application. Evidence of such agreements should be submitted with the HRA report and recorded in a SoCG with Natural England. The Applicant should also consider in the ES the potential impacts of emissions and deposition on SSSIs.

- 3.68 The consultation response from the EA refers to the proposed extension of the Teesmouth and Cleveland Coast SPA and notes that this would bring the SPA boundary closer to the Proposed Development site. Once consultation has concluded, this area would become a potential SPA (pSPA) and under UK Government policy would be awarded the same level of protection as a SPA. The Applicant's attention is drawn to policy 5.3.9 of NPS EN-1, which states: 'For the purposes of considering development proposals affecting them, as a matter of policy the Government wishes pSPAs to be considered in the same way as if they had already been classified'. This includes consideration of any new qualifying features.

Noise and Vibration (see Scoping Report Section 6.5)

- 3.69 The SoS notes that the noise sensitive receptors (NSRs) identified in Table 6.4 and Figure 6.4 only reference human receptors and do not include ecological receptors. The SoS advises that the assessment should consider fauna on the site or in the area that could be impacted by noise and vibration, such as through disturbance caused by the Proposed Development. This should include the European sites and their features identified in the Scoping Report, as appropriate. The approximate distance of the NSRs considered in the assessment from the Proposed Development should be quantified in the ES.
- 3.70 The SoS welcomes that the methodology, scope of the noise survey, location of noise-sensitive receptors and overall assessment in relation to the operational phase will be agreed with RCBC, and recommends that the EA are also consulted.
- 3.71 The source of the noise criteria set out in Table 6.5, against which it is stated predicted noise levels will be compared, is not specified. It is assumed it is BS5228: 'Noise and vibration control on construction and open sites' (BSI) (1997), as this would seem to be appropriate. However, all guidance and standards on which the Applicant intends to rely for the purposes of the assessments should be clearly referenced in the ES.
- 3.72 Section 6.5.5 (page 81) states that '...planning conditions for the operating plant require it to have no tonal content..'. It is unclear what is meant by this, however the SoS assumes that it is intended to refer to potential requirements in a DCO.
- 3.73 Information should be provided in the ES on the types of vehicles and plant to be used during the construction phase, and the likely noise and vibration generated by them. The noise and vibration

assessments should take account of the traffic movements along access routes, particularly during the construction phase.

- 3.74 Impacts on people from potential noise disturbance at night and other unsocial hours such as weekends and public holidays should be addressed in the assessment. Consideration should be given to monitoring noise complaints both during construction and when the Proposed Development is operational.
- 3.75 The assessments undertaken for this topic should inform the ecological assessments. Cross-reference should be made in the ES between this topic chapter and the ecology and traffic and transport chapters.

Air Quality (see Scoping Report Section 6.6)

- 3.76 The SoS notes that the study area for the air quality assessment is defined as a 15km radius from the site, and a 2km radius for national and local nature reserves and ancient woodlands. The extent of the study area should be agreed with relevant bodies, such as the EA, NE and local authorities, and the rationale for selecting it should be explained in the ES topic chapter. It should be stated whether there are any Air Quality Management Areas in the vicinity of the site that could be affected.
- 3.77 The Applicant must be satisfied that the study area is sufficient to encompass all routes in the local transport network on which air quality could be significantly affected as a result of increased traffic generated by the Proposed Development, particularly during the construction phase.
- 3.78 The SoS welcomes that potential impacts on ecological receptors as a result of NO_x emissions, nutrient nitrogen deposition and acid deposition will be included in this topic assessment, and the inclusion of a plan (Figure 6.5) in the Scoping Report that shows the location of the receptors identified. The SoS recommends that the equivalent plan in the ES identifies each of the sites by name.
- 3.79 Sections 6.6.3 and 6.6.4 of the Scoping Report state, respectively, that dust and PM₁₀ and PM_{2.5} produced during construction will be considered, and that dust impacts could result in potentially significant effects. The SoS considers therefore that the ES should include an assessment of the likely effects associated with increased emissions of PM₁₀ and PM_{2.5} particularly associated with the construction phase of the Proposed Development. The Applicant should also agree with RCBC and EA the appropriate use of background mapping to inform the baseline.
- 3.80 The SoS welcomes that dispersion modelling is to be undertaken for the operational phase of the Proposed Development, and recommends that it considers a range of possibilities and seeks to

ensure that the worst case scenario is assessed, such as, for example, in relation to the stack height.

- 3.81 Air quality and dust levels should be considered not only on site but also off-site, including along access roads and local public rights of way (PRoW). Consideration should be given to monitoring dust complaints. The Applicant is referred to the consultation response from PHE, contained in Appendix 3 of this Opinion, in respect of the value of a CEMP in relation to mitigating potential impacts of emissions.
- 3.82 Section 6.6.5 of the Scoping Report refers to consideration of information and guidance on the 'UK Air Pollution Information Service' website. Documents used to inform and guide the assessment should be specifically identified and fully referenced in the ES.
- 3.83 The Applicant's attention is drawn to the comments, contained in Appendix 3 of this Opinion, of the EA, particularly in respect of future-proofing this project in relation to reduced emission limits; and NE, particularly in respect of air pollution impacts on ecological features.
- 3.84 The assessment undertaken for this topic should inform the ecological assessment. Cross-reference should be made in the ES between this topic chapter and the ecology, noise and vibration, and traffic and transport chapters.

Archaeology and Cultural Heritage (see Scoping Report Section 6.7)

- 3.85 Table 8.1 of the Scoping Report explains that the effects of the Proposed Development on the setting of listed buildings and scheduled monuments will be assessed in the ES. The SoS agrees with this approach, although considers that the ES should also consider whether the setting of any conservation areas (namely those at Wilton, Yearby and Kirkleatham) or any historic landscapes could potentially be affected by the Proposed Development. The use of Historic England's Good Practice Advice Note 3: The Setting of Heritage Assets (available on Historic England's website) is recommended.
- 3.86 The Applicant's attention is drawn to Historic England's consultation response. This states that the ES should contain a thorough assessment of the assets identified in Section 6.7 of the Scoping Report, including (but not limited to) the scheduled monuments at Eston Nab and the grade II* listed Church of St Cuthbert. Historic England also recommends that the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest should also be considered in the ES.
- 3.87 The Applicant should make every effort to secure agreement with Historic England, and RCBC's conservation officer and archaeological

advisors on the scope and conclusions of the assessments, prior to submission of the DCO application. Such agreements should be reflected in signed SoCGs.

- 3.88 A 5km study area is proposed to identify assets for inclusion in the assessment, the appropriateness of which should be discussed and agreed with the Council and Historic England. Cross-reference should be made to the Landscape and Visual Chapter of the ES and photomontages/section drawings as appropriate.

Traffic and Transport (see Scoping Report Section 6.8)

- 3.89 This chapter of the Scoping Report is high level and contains limited detail. For example, the study area, traffic routes, and receptors likely to be considered in the assessment are not identified. The SoS notes that it is stated that certain information is not yet available, and that information contained within a Transport Assessment (TA) will form the basis of the ES transport chapter. Comprehensive information on the potential impacts of the Proposed Development should be included in the ES topic chapter, and the TA should be appended to the ES. The Applicant is referred to the consultation response from RCBC, contained in Appendix 3 of this Opinion, in respect of the traffic assessment methodology for the Proposed Development.
- 3.90 Potential impacts on both the local and the wider transport network, for all phases of the Proposed Development, and particularly during the construction phase, should be assessed in the EIA. The Applicant is referred to the consultation response from North Yorkshire County Council, contained in Appendix 3 of this Opinion, in respect of this matter.
- 3.91 The assessment of transport impacts for all phases of the Proposed Development should be discussed with the local highways authority, and Highways England, particularly in relation to potential impacts on local trunk roads, such as the A1053. The SoS expects on-going discussions and agreement, where possible, with such bodies. The Applicant is referred to the consultation response from Highways England, contained in Appendix 3 of this Opinion, particularly in relation to the potential impacts as a result of construction of the Proposed Development coinciding with construction of other projects in the area. The SoS expects that this matter would be considered in the traffic and transport cumulative effects assessment.
- 3.92 The SoS welcomes the proposal to develop a Transport Management Strategy aimed at minimising construction traffic impacts. The Applicant's attention is drawn to the consultation response from Highways England, contained in Appendix 3 of this Opinion) which advises that a Construction Transport Management Plan would assist in assessing the potential impacts arising from the construction of the Proposed Development.

- 3.93 The SoS notes that it is proposed at this time that an operational Travel Plan will not be submitted with the DCO application. The SoS considers that this is acceptable, however suggests that consideration is given to the preparation of a construction phase Travel Plan.
- 3.94 The removal of waste during construction should be addressed in the traffic and transport assessment in relation to the vehicle types that would be required, and the potential transport routes that would be used.
- 3.95 The SoS recommends that the assessment should take account of the location of footpaths and any PRow, including bridleways and byways, and that the Proposed Development should seek to minimise effects on them where possible. Any potential impacts on them, including those within the wider area should be clearly identified in the ES.
- 3.96 The outcome of the assessment undertaken for this topic should also inform the air quality and noise and vibration assessments, and cross-reference should be made in the ES between this chapter and those chapters.

Socio-Economic Characteristics (see Scoping Report Section 6.9)

- 3.97 The assessment should consider all relevant socio-economic impacts and the Applicant's attention is drawn to the requirements of Section 5.12 of NPS EN-1 in this regard. The ES should explain how the development's socio-economic impacts correlate with local planning policies, which are set out in the consultation response from RCBC (Appendix 3).
- 3.98 The SoS recommends that recognised guidance is adopted for the assessment (where available) and that significance criteria are clearly set out in the ES. The SoS recommends that the assessment criteria should be locationally specific and consider the potential significance of the impacts of the Proposed Development within the local and regional context. Where professional judgement is applied to the assessment of receptor sensitivity, magnitude of impact or the significance of an effect, the Applicant should clearly justify this within their ES chapter and refer to supporting evidence as appropriate.
- 3.99 The Applicant states that the main focus of the socio-economic assessment will be the effect on employment. No surveys are proposed, with data to be collected via desk studies. The assessment should include a breakdown of likely jobs and roles created by the Proposed Development and any mitigation measures such as skills and training programmes that would promote local employment. This should include consideration of the potential to create apprenticeship opportunities during construction and operation. The socio-economic

assessment and in particular any skills and training opportunities should be developed in discussion with RCBC.

- 3.100 Section 6.9.3 of the Scoping Report confirms that mitigation measures will be set out in a CEMP and a Traffic Management Plan, draft/outline versions of which should be provided with the DCO application. The SoS welcomes that the assessment will cover construction, operation and decommissioning of the Proposed Development.
- 3.101 Section 3.5 of the Scoping Report notes that approximately 60 full-time jobs will be associated with the operation of the Proposed Development, whereas Section 6.9.3 refers to 65 jobs. Such figures should be consistent throughout the ES.
- 3.102 The SoS notes from Table 8.1 of the Scoping Report that the Applicant intends to undertake an assessment of the potential effects of the Proposed Development on local businesses, and this is welcomed. This assessment should cover all phases of the Proposed Development.
- 3.103 The Applicant is referred to the Secretary of State's comments in Section 4 of this Scoping Opinion in relation to health impacts assessment.
- 3.104 This topic assessment should be cross-referenced to other assessments presented in the ES, as relevant.

Landscape and Visual (see Scoping Report Section 6.10)

- 3.105 It is noted from Section 6.10.4 of the Scoping Report that the landscape and visual assessment will be carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA) Third Edition (2013) and this is welcomed.
- 3.106 The proposed development includes large structures, such as the stacks. The SoS advises that careful consideration should be given to the form, siting, and use of materials and colours in terms of minimising the visual impacts of these structures. Night time views (with particular regard to lighting requirements) should also be considered.
- 3.107 Section 1.3.2 of the Scoping Report states that the Proposed Development would include two stacks up to 90m in height, and Table 8.1 explains that a 90m stack height has been considered as a worst case scenario (with a stack height of 75m also considered). The SoS agrees that this is an appropriate approach. The worst case scenario should be reflected in the photomontages and wirelines provided with the ES.
- 3.108 The Applicant's attention is drawn to the EA's consultation response, which requests that the Applicant prepares a stack height and

diameter sensitivity study. The Applicant should discuss and agree the scope of this study and the final stack design with the EA.

- 3.109 Section 6.10.2 of the Scoping Report refers to the Zone of Theoretical Visibility (ZTV). The SoS advises that the ES should describe the model used, and provide information on the area covered, the timing of any survey work, and the methodology used. It is noted from Table 8.1 of the Scoping Report that the Applicant will agree the location of viewpoints with RCBC and this is welcomed.
- 3.110 A 5km study area around the Proposed Development site is proposed, but it is noted from Figure 6.14 that a 90m stack could be visible from a much greater area than 5km. The Applicant is advised to consider the application of a wider study area (accounting for the more prominent structures and plume) in the landscape and visual assessment, particularly considering that potential sensitive receptors are present in the wider landscape, such as the North York Moors National Park.
- 3.111 The Scoping Report does not indicate whether any visual impacts on users of PRow are anticipated. The potential impacts on users of PRow at all stages of the Proposed Development should be considered in the ES. If no impacts are anticipated, this should be justified using sufficient evidence (eg photomontages) and agreed with the Council.
- 3.112 The Applicant's attention is drawn to Section 3 of NE's consultation response (see Appendix 3), which states that the ES should map local landscape character areas and include a full assessment of the potential impacts on these. NE encourages the use of Landscape Character Assessment (LCA) based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. NE also advise that the assessment should also refer to the relevant National Character Areas, which the SoS notes are identified on Figure 6.12 of the Scoping Report.
- 3.113 The landscape and visual assessment should cross reference to the other ES assessments as relevant. For example, landscape mitigation could have impacts on ecological receptors.

4 OTHER INFORMATION

- 4.1 This section does not form part of the SoS's opinion as to the information to be provided in the ES. However, it does respond to other issues that the SoS has identified which may help to inform the preparation of the application for the DCO.

Pre-application Prospectus

- 4.2 The Planning Inspectorate offers a service for Applicants at the Pre-application stage of the NSIP process. Details are set out in the prospectus 'Pre-application service for NSIPs'¹. The prospectus explains what the Planning Inspectorate can offer during the Pre-application phase and what is expected in return. The Planning Inspectorate can provide advice about the merits of a scheme in respect of national policy; can review certain draft documents; as well as advice about procedural and other planning matters. Where necessary a facilitation role can be provided. The service is optional and free of charge.
- 4.3 The level of Pre-application support provided by the Planning Inspectorate will be agreed between an applicant and the Planning Inspectorate at the beginning of the Pre-application stage and will be kept under review.

Preliminary Environmental Information (PEI)

- 4.4 Consultation forms a crucial aspect of environmental impact assessment. As part of their Pre-application consultation duties, Applicants are required to prepare a Statement of Community Consultation (SoCC). This sets out how the local community will be consulted about the Proposed Development. The SoCC must state whether the Proposed Development is EIA development and if it is, how the Applicant intends to publicise and consult on PEI. Further information in respect of PEI may be found in Advice note seven 'Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping'.

Habitats Regulations Assessment (HRA)

- 4.5 The SoS notes that European sites² could potentially be affected by the Proposed Development. The Habitats Regulations require

¹ The prospectus is available from:
<http://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

² The term 'European sites' in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), possible SACs, potential SPAs, Ramsar sites, proposed Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the

competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). Applicants should note that the competent authority in respect of NSIPs is the relevant SoS. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

- 4.6 The Applicant's attention is drawn to Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) ('the APFP Regulations') and the need to include with the DCO application a report identifying European sites to which the Habitats Regulations applies and Ramsar sites, which may be affected by the Proposed Development.
- 4.7 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the competent authority of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the competent authority.
- 4.8 The Applicant's attention is also drawn to UK Government policy³, which states that the following sites should be given the same protection as European sites: possible SACs (pSACs); potential SPAs (pSPAs); and (in England) proposed Ramsar sites and sites identified, or required, as compensatory measures for adverse effects on any of the above sites. Therefore, Applicants should also consider the need to provide information on such sites where they may be affected by the Proposed Development.
- 4.9 Further information on the HRA process is contained within Planning Inspectorate's Advice Note Ten: 'Habitat Regulations Assessment relevant to nationally significant infrastructure projects', available on our website. It is recommended that Applicants follow the advice contained within this Advice Note.

Plan To Agree Habitats Information

- 4.10 A Plan may be prepared to agree upfront what information in respect of Habitats Regulations the Applicant needs to supply to the Planning Inspectorate as part of a DCO application. This is termed an Evidence Plan for proposals in England or in both England and Wales, but a

above. For a full description of the designations to which the Habitats Regulations apply, and/or are applied as a matter of Government policy, see the Planning Inspectorate's Advice Note Ten.

³ In England, the NPPF paragraph 118. In Wales, TAN5 paragraphs 5.2.2 and 5.2.3.

similar approach can be adopted for proposals only in Wales. For ease these are all termed 'evidence plans' here.

- 4.11 An evidence plan will help to ensure compliance with the Habitats Regulations. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help Applicants meet the requirement to provide sufficient information (as explained in Advice Note ten) in their application, so the ExA can recommend to the SoS whether or not to accept the application for Examination and whether an AA is required.
- 4.12 Any Applicant of a proposed NSIP can request an evidence plan. A request for an evidence plan should be made at the start of Pre-application (eg after notifying the Planning Inspectorate on an informal basis) by contacting Natural England (NE).

Sites of Special Scientific Interest (SSSIs)

- 4.13 The SoS notes that a number of SSSIs are located close to or within the Proposed Development. Where there may be potential impacts on the SSSIs, the SoS has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.
- 4.14 Under s28(G), the SoS has a general duty '*... to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest*'.
- 4.15 Under s28(I), the SoS must notify the relevant nature conservation body (NCB), NE in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the SoS must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the Examination period.
- 4.16 If Applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the SoS. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.17 Applicants should be aware that the decision maker under the PA2008 has, as the competent authority (CA), a duty to engage with the Habitats Directive. Where a potential risk to a European Protected Species (EPS) is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests in Regulation 53 of the Habitats Regulations. Therefore the Applicant may wish to provide information which will assist the decision maker to meet this duty.
- 4.18 If an Applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the Applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.19 Applicants are encouraged to consult with NE and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the Examination if Applicants could provide, with the application documents, confirmation from NE whether any issues have been identified which would prevent the EPS licence being granted.
- 4.20 Generally, NE are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, NE will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, NE will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why NE consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued. The Applicant is responsible for ensuring draft licence applications are satisfactory for the purposes of informing formal Pre-application assessment by NE.
- 4.21 Ecological conditions on the site may change over time. It will be the Applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals.
- 4.22 In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any

resulting amendments to the draft licence application). Applicants with projects in England (including activities undertaken landward of the mean low water mark) can find further information in Advice Note eleven, Annex C⁴.

Other Regulatory Regimes

- 4.23 The SoS recommends that the Applicant should state clearly what regulatory areas are addressed in the ES and that the Applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the Proposed Development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.24 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA2008, the SoS will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The Applicant is encouraged to make early contact with other regulators. Information from the Applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the SoS.

Water Framework Directive

- 4.25 EU Directive 2000/60/EC ('the Water Framework Directive') establishes a framework for the protection of inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. Under the terms of the Directive, Member States are required to establish river basin districts and corresponding river basin management plans outlining how the environmental objectives outlined in Article 4 of the Directive are to be met.
- 4.26 In determining an application for a DCO, the SoS must be satisfied that the applicant has had regard to relevant river basin management plans and that the proposed development is compliant with the terms of the WFD and its daughter directives. In this respect, the Applicant's attention is drawn to Regulation 5(2)(I) of the APFP Regulations which requires an application for an NSIP to be accompanied by 'where applicable, a plan with accompanying

⁴ Advice Note eleven, Annex C – Natural England and the Planning Inspectorate available from: http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

information identifying-... ..(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development.'

The Environmental Permitting Regulations and the Water Resources Act

Environmental Permitting Regulations 2010

4.27 The Environmental Permitting Regulations 2010 require operators of certain facilities, which could harm the environment or human health, to obtain permits from the Environment Agency (EA). Environmental permits can combine several activities into one permit. There are standard permits supported by 'rules' for straightforward situations and bespoke permits for complex situations. For further information, please see the Government's advice on determining the need for an environmental permit⁵.

4.28 The EA's environmental permits cover:

- industry regulation;
- waste management (waste treatment, recovery or disposal operations);
- discharges to surface water;
- groundwater activities; and
- radioactive substances activities.

4.29 Characteristics of environmental permits include:

- they are granted to operators (not to land);
- they can be revoked or varied by the EA;
- operators are subject to tests of competence;
- operators may apply to transfer environmental permits to another operator (subject to a test of competence); and
- conditions may be attached.

The Water Resources Act 1991

4.30 Under the Water Resources Act 1991 (as amended), anyone who wishes to abstract more than 20m³/day of water from a surface source such as a river or stream or an underground source, such as an aquifer, will normally require an abstraction licence from the EA. For example, an abstraction licence may be required to abstract

⁵ Available from: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

water for use in cooling at a power station. An impoundment licence is usually needed to impede the flow of water, such as in the creation of a reservoir or dam, or construction of a fish pass.

- 4.31 Abstraction licences and impoundment licences are commonly referred to as 'water resources licences'. They are required to ensure that there is no detrimental impact on existing abstractors or the environment. For further information, please see the EA's WR176 guidance form on applying for a full, transfer or impounding licence⁶:
- 4.32 Characteristics of water resources licences include:
- they are granted to licence holders (not to land);
 - they can be revoked or varied;
 - they can be transferred to another licence holder; and
 - in the case of abstraction licences, they are time limited.

Role of the Applicant

- 4.33 It is the responsibility of Applicants to identify whether an environmental permit and/or water resources licence is required from the EA before an NSIP can be constructed or operated. Failure to obtain the appropriate consent(s) is an offence.
- 4.34 The EA allocates a limited amount of Pre-application advice for environmental permits and water resources licences free of charge. Further advice can be provided, but this will be subject to cost recovery.
- 4.35 The EA encourages Applicants to engage with them early in relation to the requirements of the application process. Where a project is complex or novel, or requires a HRA, Applicants are encouraged to "parallel track" their applications to the EA with their DCO applications to the Planning Inspectorate. Further information on the EA's role in the infrastructure planning process is available in Annex D of the Planning Inspectorate's Advice note eleven (working with public bodies in the infrastructure planning process)⁷
- 4.36 When considering the timetable to submit their applications, Applicants should bear in mind that the EA will not be in a position to provide a detailed view on the Proposed Development until it issues its draft decision for public consultation (for sites of high public interest) or its final decision. Therefore the Applicant should ideally

⁶ Available from: <https://www.gov.uk/government/publications/wr176-applying-for-full-transfer-or-impoundment-licence-form-guidance>

⁷ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

submit its application sufficiently early so that the EA is at this point in the determination by the time the DCO reaches Examination.

- 4.37 It is also in the interests of an applicant to ensure that any specific requirements arising from their permit or licence are capable of being carried out under the works permitted by the DCO. Otherwise there is a risk that requirements could conflict with the works which have been authorised by the DCO (eg a stack of greater height than that authorised by the DCO could be required) and render the DCO impossible to implement.

Health Impact Assessment

- 4.38 The SoS considers that it is a matter for the Applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the Applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from Public Health England, and the Health and Safety Executive, including in relation to 'known hazards', and whether there is a requirement for Hazardous Substances Consent to be obtained (see Appendix 3).
- 4.39 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

Transboundary Impacts

- 4.40 The SoS has noted that the Applicant has indicated that they consider that the Proposed Development is not likely to have significant impacts on another European Economic Area (EEA) State.
- 4.41 Regulation 24 of the EIA Regulations require the SoS to publicise a DCO application if the SoS is of the view that the Proposed Development is likely to have significant effects on the environment of another EEA state and, where relevant, to consult with the EEA state affected. The SoS considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.
- 4.42 The SoS recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

APPENDIX 1 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT

A1.1 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) (APFP Regulations) sets out the information which must be provided for an application for a Development Consent Order (DCO for nationally significant infrastructure under the Planning Act 2008 (as amended) (PA2008)). Where required, this includes an Environmental Statement (ES). Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

A1.2 An ES is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- *that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but that includes at least the information required in Part 2 of Schedule 4.*

(EIA Regulations, Regulation 2)

A1.3 The purpose of an ES is to ensure that the environmental effects of a Proposed Development are fully considered, together with the economic or social benefits of the development, before the development consent application under the PA2008 is determined. The ES should be an aid to decision making.

A1.4 The SoS (SoS) advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the Proposed Development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The SoS recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

A1.5 The SoS emphasises that the ES should be a 'stand-alone' document in line with best practice and case law. Schedule 4, Parts 1 and 2 of the EIA Regulations set out the information for inclusion in ES.

A1.6 Schedule 4 Part 1 of the EIA Regulations states this information includes:

17. Description of the development, including in particular—

- a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
- a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
- an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*

18. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.

19. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.

20. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- the existence of the development;*
- the use of natural resources;*

the emission of pollutants, the creation of nuisances and the elimination of waste,

and the description by the applicant of the forecasting methods used to assess the effects on the environment.

21. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

22. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

23. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

(EIA Regulations, Schedule 4 Part 1)

The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the applicant' which the SoS recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

24. A description of the development comprising information on the site, design and size of the development

25. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects

26. The data required to identify and assess the main effects which the development is likely to have on the environment

27. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and

28. A non-technical summary of the information provided [under the four paragraphs of Schedule 4 part 2 above].

(EIA Regulations, Schedule 4 Part 2)

A1.7 Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the SoS considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

Balance

A1.8 The SoS recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The SoS considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

Scheme Proposals

A1.9 The scheme parameters will need to be clearly defined in the dDCO and therefore in the accompanying ES which should support the

application as described. The SoS is not able to entertain material changes to a project once an application is submitted. The SoS draws the attention of the Applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a dDCO and accompanying application documents.

Flexibility

- A1.10 The SoS acknowledges that the Environmental Impact Assessment (EIA) process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.
- A1.11 It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.
- A1.12 The Rochdale Envelope principle (*see R v Rochdale MBC ex parte Tew (1999) and R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The Applicant's attention is drawn to the Planning Inspectorate's Advice Note Nine 'Rochdale Envelope' which is available on our website.
- A1.13 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the Applicant should assess the maximum potential adverse impacts the Proposed Development could have to ensure that the Proposed Development, as it may be constructed, has been properly assessed.
- A1.14 The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the Proposed Development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

Scope

- A1.15 The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be

sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

A1.16 In general the SoS recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered;
- the relevance in terms of the specialist topic;
- the breadth of the topic;
- the physical extent of the study area and any surveys; and
- the potential significant impacts.

A1.17 The SoS recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the Proposed Development site, and include all off-site works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

Breadth of the Topic Area

A1.18 The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

Temporal Scope

A1.19 The assessment should consider:

- environmental impacts during construction works;
- environmental impacts on completion/operation of the proposed development;
- where appropriate, environmental impacts a suitable number of years after completion of the proposed development (for

example, in order to allow for traffic growth or maturing of any landscape proposals); and

- environmental impacts during decommissioning.

A1.20 In relation to decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be removed. The purpose of this is to seek to minimise disruption, to re-use materials, and to restore the site or put it to a suitable new use. The SoS recommends that these matters are considered in the ES, and that the appropriate time period, over which the decommissioning works will occur, for the assessment should be agreed with the relevant statutory consultees.

A1.21 The SoS recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

Baseline

A1.22 The SoS recommends that the baseline should describe the position from which the impacts of the Proposed Development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

A1.23 The SoS recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

A1.24 For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

A1.25 The baseline situation and the Proposed Development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

A1.26 In terms of the EIA methodology, the SoS recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the

assessment. This should include guidelines prepared by relevant professional bodies.

A1.27 In terms of other regulatory regimes, the SoS recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

A1.28 In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

A1.29 The EIA Regulations require the identification of the '*likely significant effects of the development on the environment*' (Schedule 4 Part 1 paragraph 20).

A1.30 As a matter of principle, the SoS applies the precautionary approach to follow the Court's reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the Proposed Development will have an effect, and not that a development will definitely have an effect.

A1.31 The SoS considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The SoS recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The SoS considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

A1.32 The SoS recognises that the way in which each element of the environment may be affected by the Proposed Development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The SoS recommends that a common format should be applied where possible.

Inter-relationships between environmental factors

A1.33 Assessment of the inter-relationships between aspects of the environment likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, eg noise and air quality, affect a single receptor such as fauna.

A1.34 The SoS considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the Proposed Development. This is particularly important when considering impacts in terms of any permutations or parameters to the Proposed Development.

Cumulative Impacts

A1.35 The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the Local Planning Authorities and other relevant authorities on the basis of those that are:

- projects that are under construction;
- permitted application(s) not yet implemented;
- submitted application(s) not yet determined;
- all refusals subject to appeal procedures not yet determined;
- projects on the National Infrastructure's programme of projects; and
- projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited.

A1.36 Details should be provided in the ES, including the types of development, their location, and key aspects that may affect the EIA. How these have been taken into account as part of the assessment will be crucial in this regard.

A1.37 The SoS recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

A1.38 For the purposes of identifying any cumulative effects with other developments in the area, Applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on Transboundary Effects below).

Related Development

- A1.39 The ES should give equal prominence to any development which is related with the Proposed Development to ensure that all the impacts of the proposal are assessed.
- A1.40 The SoS recommends that the Applicant should distinguish between the Proposed Development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

- A1.41 The ES must set out an outline of the main alternatives studied by the Applicant and provide an indication of the main reasons for the Applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).
- A1.42 Matters should be included, such as inter alia alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.
- A1.43 The SoS advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the Development Proposed and the sites chosen.

Mitigation Measures

- A1.44 Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.
- A1.45 The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.
- A1.46 It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the dDCO. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

A1.47 The SoS advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

A1.48 The SoS recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

A1.49 As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the Applicant in compiling the required information.

Consultation

A1.50 The SoS recommends that ongoing consultation is maintained with relevant stakeholders and that any specific areas of agreement or disagreement regarding the content or approach to assessment should be documented. The SoS recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

A1.51 Consultation with the local community should be carried out in accordance with the SoCC which will state how the Applicant intends to consult on the Preliminary Environmental Information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with section 47 of the PA2008, this could usefully assist the Applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon Applicants under section 50 of the PA2008 to have regard to the guidance on Pre-application consultation.

Transboundary Effects

A1.52 The SoS recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the SoS recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

A1.53 The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note twelve 'Development with significant transboundary impacts consultation' which is available on our website⁸.

Summary Tables

A1.54 The SoS recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:

Table X: to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

Table XX: to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

Table XXX: to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the Applicant to cross refer mitigation to specific provisions proposed to be included within the dDCO.

Table XXXX: to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Terminology and Glossary of Technical Terms

A1.55 The SoS recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site. A glossary of technical terms should be included in the ES.

Presentation

A1.56 The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate. Appendices must be clearly referenced, again with all paragraphs numbered. All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

⁸ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Confidential Information

A1.57 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Planning Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

Bibliography

A1.58 A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non-Technical Summary

A1.59 The EIA Regulations require a Non-technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.

APPENDIX 2 – CONSULTATION BODIES FORMALLY CONSULTED

Note: the prescribed consultation bodies have been consulted in accordance with the Planning Inspectorate's Advice Note Three: 'EIA Consultation and Notification' (version 6, June 2015)⁹.

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	South Tees Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England - North East region
The relevant fire and rescue authority	Cleveland Fire Brigade
The relevant police and crime commissioner	Cleveland Police and Crime Commissioner
The Environment Agency	The Environment Agency - North East
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	Redcar and Cleveland Borough Council
The relevant strategic highways company	Highways England - North East
Public Health England, an executive agency of the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The SoS for Defence	Ministry of Defence

⁹ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

RELEVANT STATUTORY UNDERTAKERS	
The relevant Clinical Commissioning Group	South Tees Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
The relevant NHS Foundation Trust	North East Ambulance Service NHS Foundation Trust
Railways	Highways England Historical Railways Estate
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes and Communities Agency
The relevant Environment Agency	Environment Agency - North East
The relevant water and sewage undertaker	Northumbrian Water
The relevant public gas transporter	Energetics Gas Limited
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Quadrant Pipelines Limited
	National Grid Gas Plc
	National Grid Gas Distribution Limited
	Scotland Gas Networks Plc
Southern Gas Networks Plc	
Wales and West Utilities Ltd	
Northern Gas Networks Limited	
The relevant electricity distributor with CPO Powers	Energetics Electricity Limited
	ESP Electricity Limited
	G2 Energy IDNO Limited

RELEVANT STATUTORY UNDERTAKERS	
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Peel Electricity Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Northern Powergrid (Northeast) Limited
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc

SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))	
Local Authorities	Redcar and Cleveland Borough Council
	Hartlepool Borough Council
	Stockton-on-Tees Borough Council
	Middlesbrough Council
	Hambleton District Council
	Scarborough Borough Council
	North York Moors National Park
	North Yorkshire County Council

APPENDIX 3 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

Bodies who replied by the statutory deadline:

Environment Agency
ESP Utilities Group Limited
Hartlepool Borough Council
Health and Safety Executive
Highways England
Historic England
National Grid
Natural England
North Yorkshire County Council
Northumbrian Water
Public Health England
Redcar and Cleveland Borough Council
Scarborough Borough Council

Ms Alison Down
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: NA/2017/113566/01-L01
Your ref: 170221_EN010082-000011
Date: 16 March 2017

Dear Ms Down

**SCOPING OPINION REQUEST FOR PROPOSED TEESSIDE COMBINED
CYCLE POWER PLANT.
SITE OF THE FORMER TEESSIDE POWER STATION; GREYSTONE ROAD,
GRANGETOWN, MIDDLESBROUGH, TS6 8JF.**

Thank you for your letter referring to the above Scoping Opinion request which we received on 21 February 2017. We have assessed the supporting documents and have the following comments to make.

**Environmental Impact Assessment Requirements
Advice to applicant**

We request that the following information is included within the scope of the Environmental Impact Assessment:

- a stack height (and diameter) sensitivity study to be prepared to enable early agreement on stack design.
- a Combined Heat and Power (CHP) Ready assessment as required by Article 14 of the Energy Efficiency Directive to demonstrate the use of Best Available Techniques (BAT) to maximise energy efficiency. Please follow the link below for further information:
<https://www.gov.uk/government/publications/energy-efficiency-for-combustion-and-energy-from-waste-power-plants>
- Information relating to future-proofing this project, which considers the impact of the reduced emission limit values proposed in the European Union combustion BREF (Best Available Techniques Reference



Document), due to be published in 2017, which would require this plant to be compliant within 4 years, thereafter.

Teesmouth Special Protection Area

We wish to inform the operator/applicant that there is a proposed expansion of the Teesmouth Special Protection Area (SPA). Details of this proposed expansion to the SPA are available on the Natural England website at the following link:

<http://publications.naturalengland.org.uk/publication/5987326182293504>

Consideration will need to be had within the Environmental Impact Assessment and Habitats Directive Assessment to the proposed SPA expansion, as it will greatly increase the size of the existing protected area and move the SPA boundary closer to the proposed power plant site.

Environmental Permitting Regulations

Advice to applicant

The development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact our Environment Management Officer Chloe Harvey-Walker at our Tyneside House Office either by telephone on 02030255292 or by email at chloe.harvey-walker@environment-agency.gov.uk for further advice and to discuss the issues likely to be raised.

Additional 'Environmental Permitting Guidance' can be accessed via the Gov.UK website at: <https://www.gov.uk>

Abstraction Licence

Section 3.3.4 of the submitted scoping report discusses three available methods for cooling water. The Once-Through Cooling Systems method indicates that, due to the high volume of water required to operate the system, water will need to be abstracted from and returned to the river Tees (as opposed to utilising the Teeside Industrial raw supply and Wilton Site drains). The discharge of this water should be covered by the required Environmental Permit. However, the abstraction of the water will require a separate Abstraction Licence. The applicant is advised to contact our Permitting Support Centre at the following email address for further advice:

PSC-WaterResources@environment-agency.gov.uk

If you have any questions in respect of the above, please do not hesitate to contact me.



creating a better place



Yours sincerely

Louise Tait
Senior Planning Advisor

Direct dial 02084746523

Direct e-mail louise.tait@environment-agency.gov.uk

Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.
Customer services line: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk



From: [ESP Utilities Group Ltd](#)
To: [Environmental Services](#)
Subject: Your Reference: EN010082 Our Reference: PE131565. Plant Not Affected Notice from ES Pipelines
Date: 10 March 2017 10:53:30

Alison Down
Environmental Services
3D Eagle
Temple Quay House
Temple Quay
Bristol
BS1 6PN

10 March 2017

Reference: EN010082

Dear Sir/Madam,

Thank you for your recent plant enquiry at (EN010082).

I can confirm that ESP Gas Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works. Therefore, ESP **DOES NOT OBJECT** to the proposed stopping up order.

ESP are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

Important Notice

Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at: PlantResponses@espipelines.com

Yours faithfully,

Alan Slee
Operations Manager



Bluebird House
Mole Business Park
Leatherhead
KT22 7BA
☎ 01372 587500 📠 01372 377996

<http://www.espug.com>

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From: [Daniel James](#)
To: [Tees CCGP](#)
Subject: PINS Ref 170221_EN010082-000011 FAO Alison Down (HBC Ref H/2017/0089)
Date: 13 March 2017 17:43:31
Attachments: [image001.jpg](#)

Good Afternoon,

Application by Sembcorp Utilities (UK) Limited for an Order granting Development Consent for the proposed Teesside Combined Cycle Power Plant

Thank you for the consultation on the above. I can confirm that Hartlepool Borough Council have no comments to make in respect of this application.

Kind regards,

Daniel James BA (Hons) MSc MRTPI | Senior Planning Officer
Hartlepool Borough Council
Tel: (01429) 284319
Email: daniel.james@hartlepool.gov.uk

Web: www.hartlepool.gov.uk
Facebook: [/hartlepoolcouncil](https://www.facebook.com/hartlepoolcouncil)
Twitter: [@HpoolCouncil](https://twitter.com/HpoolCouncil)



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CEMHD Policy - Land Use Planning
NSIP Consultations
Building 2.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: EN010082
Our ref: 4.2.1.5794

HSE email: NSIP.applications@hse.gov.uk

FAO Alison L Down
The Planning Inspectorate
Temple Quay House
Temple Quay,
Bristol
BS1 6PN

Dear Ms Down,

14th March 2017

**PROPOSED TEESSIDE COMBINED CYCLE POWER PLANT (the project)
PROPOSAL BY SEMBCORP UTILITIES (UK) LTD (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as amended) – Regulations 8 and 9**

Thank you for your letter of 21st February 2017 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

Using Figure 1.2 of the Scoping Report, 'The Project Site', Version A02, dated 15/02/2017, showing the indicative site boundary, the development falls within the Inner Zone (IZ) of two of HSE's Consultation Distances, namely, Invista Textiles (UK) Limited, PO Box 401, Whilton, TS6 8JH (HSE ref: 3735) and Ineos Chlor Limited, PO Box 54, Whilton, TS6 7SD (HSE ref: 4341). The Applicant should make the necessary approaches to these operators.

Section 1.3 'Project Overview', page 3, of the Scoping Report states that the main project components will include a 'control room' and 'administration building'. Section 3.5 'Employment', page 21, of the Scoping Report states that there will be 'approximately 60 full time jobs associated with the operational phase of the Project'. It is unlikely that HSE would advise against the development, subject to the assumption that when the development is completed the 'control room' and 'administration building' will contain less than 100 occupants in each building and have less than three occupied storeys. If this is the case, the development would be assessed as a Sensitivity Level 1 (SL1) and would produce a do not advise against response.

Please note that the above advice is based on HSE's existing policy for providing land-use planning advice and the information which has been provided. HSE's advice in response to a subsequent planning application may differ should HSE's policy or the scope of the development change by the time the Development Consent Order application is submitted.

At this stage the Scoping Report does not contain any information on the extent and severity of known hazards from the proposed CCPP, with the potential to impact on local populations, and/or the adjacent major hazard installations eluded to above. The loss of fuel gas containment may give rise to vapour cloud

explosion, jet fire, or flash fire. These may in turn escalate to adjacent plant. HSE suggests that the Applicant should provide such information before the project is accepted for examination.

Would Hazardous Substances Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015.

The Scoping Report does not make reference to the storage of hazardous substances. The Developer is advised to consider whether hazardous substances would be stored and, if so, whether HSC would be required.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Explosives sites

HSE has no comment to make, as there are no licensed explosive sites in the vicinity.

Electrical Safety

No comment, from a planning perspective.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)
NSIP Consultations
2.2 Redgrave Court
Merton Road
Bootle, Merseyside
L20 7HS

Yours sincerely,



Dave Adams
CEMHD4 Policy

From: [Bell, Christopher \(NO, North East\)](#)
To: [Tees CCPP](#)
Subject: FW: Ref: Teesside Combined Cycle Power Plant (supplementary issue)
Date: 17 March 2017 09:34:24

Attention Alison Down

Further to our comments a few days ago, I have now received confirmation from our network operators that in principle we are happy for access to the site via the Left in Left Out junction for normal movements to the proposed site.

I look forward to information regarding other issues in due course.

Regards

Chris

From: Bell, Christopher (NO, North East)
Sent: 15 March 2017 13:39
To: 'Teesside@pins.gsi.gov.uk'
Cc: Dobson, Ben
Subject: Ref: Teesside Combined Cycle Power Plant

**Re: Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) – Regulations 8 and 9
Application by Sembcorp Utilities (UK) Limited for an Order granting Development Consent for the proposed Teesside Combined Cycle Power Plant**

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Attention Alison Down,

Thank you for consulting Highways England regarding the above development' at scoping stage.

We operate the Strategic Road Network(SRN) in England for the Department for Transport. In the vicinity of this development we have responsibility for the A1053 between Westgate and Greystones Roundabout and the A174 West of Greystones Roundabout as far as the A19.

Activities on the Wilton International site and in this industrial area are extensive. Like this development, many others are generally industrial in nature and the highest traffic volumes fall during the construction phase.

Various large construction projects are planned around the area. This development should be co-ordinated such that the transport impact from

construction and construction worker commuter traffic is at manageable levels on the SRN in consideration of other construction projects.

As well as a Transport Assessment(TA) we would therefore welcome a Construction Transport Management Plan to consider the impact of this development.

Further, it is stated that there is a direct access from the A1053 with a left-in left-out access requiring return trips to undertake a U-turn at either Greystones or Westgate Roundabouts to complete a return trip. We require to be consulted on any access point directly from the SRN and would welcome a TA paying particular attention to assessing the impact of additional traffic and its routing on our network both in terms of capacity and safety. Any programme of usage of abnormal loads may need to be given consideration in due course.

In considering these factors, we wish to support Redcar and Cleveland to enable development to take place in the Borough and will work to ensure that any issues are resolved and are generally supportive of increased economic activity here when possible.

I will forward the consultation on to Autolink Concessionaires Ltd, who are our Network Operator for this part of the SRN. They may have issues regarding the proposals that I will raise in a subsequent letter.

I trust this response meets your immediate needs and look forward to further information in due course.

If you have any further issues regarding our response, please do not hesitate to get in touch.

Regards

Christopher Bell, Asset Manager

Highways England | Lateral | 8 City Walk | Leeds | LS11 9AT

Tel: +44 (0) 300 4702339 | **Mobile:** + 44 (0) 7879 427 538

Web: <http://www.highways.gov.uk>

GTN: 0300 470 2339

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Historic England

NORTH EAST OFFICE

Ms Alison L Down
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Dial: 0191-2691231

Our ref: PL00068024

14 March 2017

Dear Ms L Down

Thank you for your letter of 21st February 2017 consulting us about the environment statement scoping opinion request for the above site.

Although the development will not directly impact any designated heritage assets it has the potential to indirectly affect the significance of a number of assets through alterations to their setting. There are a number of nationally designated heritage assets in the vicinity of the site - notably, but not limited to, the scheduled monuments at Eston Nab and the grade II* listed Church of St Cuthbert - and in addition to those assets identified in the *Archaeology and Cultural Heritage* section of the scoping report, there are also a number of designated conservation areas which could be affected by the proposals, namely Wilton, Yearby and Kirkleatham. In line with the advice in the National Planning Policy Framework (NPPF), we would expect the environmental statement to contain a thorough assessment of the likely effects that the proposed development might have upon those elements which contribute to the significance of these assets. To that end, Good Practice Advice note 3: The Setting of Heritage Assets is available for free download from Historic England's website (www.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets) to assist the applicant with the assessment of the significance of the setting of heritage assets.

We would also expect the environmental statement to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This information is available via the local authority Historic Environment Record (www.heritagegateway.org.uk) and relevant local authority staff.

It is important that the assessment is designed to ensure that all impacts are fully understood; given the potential height of the structures and their visibility in the landscape, section drawings and techniques such as photomontages would be useful in that regard.



BESSIE SURTEES HOUSE 41-44 SANDHILL NEWCASTLE-UPON-TYNE NE1 3JF

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Historic England

NORTH EAST OFFICE

We would strongly recommend that you involve the conservation officer Tim Brown and the archaeological advisers at Redcar & Cleveland local authority in the development of this assessment. They are best placed to advise on local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

If you have any queries about any of the above please do contact me.

Yours sincerely,



Rosie Brady
Inspector of Historic Buildings & Areas (North East)
rosie.brady@HistoricEngland.org.uk

cc Carole Nichols, Sembcorp Utilities (UK) Limited
Charles Le Quesne, ERM



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Nick Dexter
DCO Liaison Officer
Land & Business Support

Nicholas.dexter@nationalgrid.com
Tel: +44 (0)7917 791925

www.nationalgrid.com

20th March 2017

Dear Sir/Madam,

Ref: EN010082 - Proposed Teesside Combined Cycle Power Plant - EIA Scoping Notification and Consultation

I refer to your letter dated 21st February 2017 in relation to the proposed Teesside Combined Cycle Power Plant EIA Scoping Notification and Consultation. Having reviewed the Scoping Report, I would like to make the following comments:

National Grid infrastructure within / in close proximity to the order boundary

Electricity Transmission

National Grid Electricity Transmission has high voltage electricity overhead transmission lines, underground cables and high voltage substations which lie within or in close proximity to the proposed site boundary. The overhead lines, cables and substations form an essential part of the electricity transmission network in England and Wales and include the following:

Overhead lines:

- YYV (275kV) overhead line route
- YYX (275kV) overhead line route
- ZZA (400kV) overhead line route

Underground cables

- Greystones A1 275kV cable
- Greystones A2 275kV cable
- Greystones B3 275kV cable
- Greystones B4 275kV cable

Substations:

- Wilton 275kV Substation
- Greystones 66kV Substation
- Greystones A 275kV Substation
- Greystones B 275kV Substation

Gas Transmission

National Grid Gas has no transmission pipelines within proximity of the indicative site boundary.

I enclose a plan showing the route of National Grid's overhead lines, the location of the substations and underground cables.

Electricity Infrastructure:

- National Grid's Overhead Lines are protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004) available at: http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/appIII-part2
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- Further guidance on development near electricity transmission overhead lines is available here: <http://www.nationalgrid.com/NR/rdonlyres/1E990EE5-D068-4DD6-8C9A-4D0B06A1BA79/31436/Developmentnearoverheadlines1.pdf>
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above

- National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

To view the National Grid Policy's for our Sense of Place Document. Please use the link below:
<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/>

To download a copy of the HSE Guidance HS(G)47, please use the following link:
<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Further Advice

We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following: box.landandacquisitions@nationalgrid.com

In order to respond at the earliest opportunity National Grid will require the following:

- Draft DCO including the Book of Reference and relevant Land Plans
- Shape Files for the order limits

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

The information in this letter is provided not withstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours Faithfully



Nick Dexter.

Date: 17 March 2017
Our ref: 209151
Your ref: EN010082



Alison Down
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Major Applications and Plans
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BY EMAIL ONLY

Dear Alison Down

Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): EN010082 - Proposed Teesside Combined Cycle Power Plant - Scoping Consultation - EIA Scoping Notification and Consultation
Location: Wilton International, Redcar and Cleveland

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 21 February 2017 which we received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Ellen Bekker on 0208 225 7091 or ellen.bekker@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Ellen Bekker
Northumbria Area Team

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being

necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is in proximity to the following designated nature conservation sites:

- Hartlepool Submerged Forest SSSI
- Seaton Dunes and Common SSSI
- Lovell Hill Pools SSSI
- Cowpen Marsh SSSI
- Kildale Hall SSSI
- Seal Sands SSSI
- Cliff Ridge SSSI
- North York Moors SSSI
- Redcar Rocks SSSI
- Saltburn Gill SSSI
- Langbaugh Ridge SSSI
- South Gare & Coatham Sands SSSI
- Tees and Hartlepool Foreshore and Wetlands SSSI
- Roseberry Topping SSSI
- Teesmouth National Nature Reserve (NNR)
- Teesmouth and Cleveland Coast SPA and Ramsar site
- North York Moors SPA and SAC

- Further information on the SSSI and its special interest features can be found at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

- Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be

sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Ancient Woodland – addition to the S41 NERC Act paragraph

The S41 list includes six priority woodland habitats, which will often be ancient woodland, with all ancient semi-natural woodland in the South East falling into one or more of the six types.

Information about ancient woodland can be found in Natural England's standing advice http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf.

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 118)² which states:

'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'

2.7 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

4. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced.

Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

5. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

6. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

The Planning Inspectorate

By email to: Teesside@pins.gsi.gov.uk

North Yorkshire County Council
Growth, Planning and Trading Standards
East Block
County Hall
Northallerton
DL7 8AE
Tel: 01609 533253

Your ref: 170221_EN010082-000011
Our ref: Michael Reynolds
Contact: Michael Reynolds
Date: 21 March 2017

Email: Michael.reynolds@northyorks.gov.uk
Web: www.northyorks.gov.uk

Dear Sirs

**Sembcorp Utilities (UK) Ltd – Teesside Combined Cycle Power Plant
Scoping Consultation**

Thank you for consulting North Yorkshire County Council in relation to the scoping report for the proposed Teesside Combined Cycle Power Plant development. There would appear to be no significant cross boundary issues of strategic concern at this stage of consultation and the general scope of the proposed EIA would appear comprehensive. However, the comments that have been made by our service areas are set out below.

Whilst we anticipate our role in the proposed development will be relatively minor, it will be important for North Yorkshire County Council to continue to be consulted as a major neighbouring infrastructure and service provider, as mentioned more specifically in the Local Highways Authority's comments.

North Yorkshire Highways Authority

Thank you for the consultation document from Redcar and Cleveland Council. As with other developments of this type the construction phase will have the most impact on the highway network especially the near the site and highways leading to the site.

That said the impact on the surrounding highway network may also be high depending on whether and how the construction management plan is prepared. We suggest NYCC has some involvement in this to at least comment on the content.

Materials being brought to the site are likely to be delivered from areas within North Yorkshire such as quarry material and waste material may need to be transported from the site across the region. In the first instance I would expect the trunk road network to be used to transport this material eg A19 & A174 and avoid where possible communities which otherwise may be affected by the additional impact of the development in terms of large HGVs passing through the community.

Ecology

Thank you for your consultation on the above scoping opinion. We have taken the opportunity to review section 6.4 (Ecology and Nature Conservation) of the scoping document. We have the following comments to make:

- We support the inclusion of internationally designated sites within 15km of the proposal which includes sites that fall within North Yorkshire. This is important given the potential for impacts resulting from emissions to air.
- We also support the inclusion of a Habitat Regulations Assessment which will consider the effects on internationally designated sites (including those that fall within NYs).
- We have no comments to make on the approach to ecological impact assessment at the local level as this is unlikely to involve any cross boundary effects.

Should you have any queries regarding this consultation response please contact my colleague Michael Reynolds on the details above who will be happy to discuss these responses further.

Yours faithfully

Carl Bunnage
Head of Strategic Policy and Economic Growth

The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

2nd March 2017

Dear Sirs,

Application by Sembcorp Utilities (UK) Limited for an Order granting Development Consent for the proposed Teesside Combined Cycle Power Plant

Thank you for the opportunity to provide a consultation response to the Scoping Report for the proposed Teesside Combined Cycle Power Plant. We have reviewed the Scoping Report in detail, particularly with regard to Section 6.2 – Water Resources and Flood Risk, and can confirm that we would have no specific comments to make on the Scoping Report at this early stage of the proposal.

As the proposal moves forward and further detail emerges, we recommend that the applicant contacts Northumbrian Water to discuss the water and waste water requirements of the project to ensure that the proposals can be accommodated within the existing water and waste water networks as described in the Scoping Report.

Our pre-development enquiry team can be contacted on 0191 4196646 or at developmentenquiries@nwl.co.uk and will be able to review and agree the water and waste water strategies for the project as more detailed plans and information is available.

I trust this information is useful to you, however if you have any queries or would like to discuss our response, please do not hesitate to contact me on 0191 4196767 or at laura.kennedy@nwl.co.uk.

Yours sincerely,

Laura Kennedy
Developer Services



Public Health
England

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Oxfordshire OX11 0RQ www.gov.uk/phe

Alison L Down
EIA and Land Rights Advisor
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol BS1 6PN

Your Ref : 170221_EN010082-000011

Our Ref : 30928

15th March 2017

Dear Alison

**Re: Scoping Consultation
Application for an Order Granting Development Consent for the
proposed Teesside Combined Cycle Power Plant**

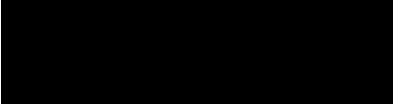
Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). PHE however believes the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

The attached appendix outlines generic areas that should be addressed by all promoters when preparing ES for inclusion with an NSIP submission. We are happy to assist and discuss proposals further in the light of this advice.

Yours sincerely,



Sarah Dack
Health Protection Scientist

nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

Appendix: PHE recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA¹. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES².

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from:

<http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

² DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions

- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the

migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

Waste

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

Other aspects

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

³ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁴, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

Electromagnetic fields (EMF) [include for installations with associated substations and/or power lines]

There is a potential health impact associated with the electric and magnetic fields around substations and the connecting cables or lines. The following information provides a framework for considering the potential health impact.

In March 2004, the National Radiological Protection Board, NRPB (now part of PHE), published advice on limiting public exposure to electromagnetic fields. The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP):-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Abisd1502/>

The ICNIRP guidelines are based on the avoidance of known adverse effects of exposure to electromagnetic fields (EMF) at frequencies up to 300 GHz (gigahertz), which includes static magnetic fields and 50 Hz electric and magnetic fields associated with electricity transmission.

PHE notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500

For static magnetic fields, the latest ICNIRP guidelines (2009) recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT as advised by the International Electrotechnical Commission.

⁴ Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m^{-1} (kilovolts per metre) and $100 \text{ } \mu\text{T}$ (microtesla). If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. Further clarification on advice on exposure guidelines for 50 Hz electric and magnetic fields is provided in the following note on the HPA website:

http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/InformationSheets/info_IcnirpExpGuidelines/

The Department of Energy and Climate Change has also published voluntary code of practices which set out key principles for complying with the ICNIRP guidelines for the industry.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE) was then set up to take this recommendation forward, explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government. In the First Interim Assessment of the Group, consideration was given to mitigation options such as the 'corridor option' near power lines, and optimal phasing to reduce electric and magnetic fields. A Second Interim Assessment addresses electricity distribution systems up to 66 kV. The SAGE reports can be found at the following link:

<http://sagedialogue.org.uk/> (go to “Document Index” and Scroll to SAGE/Formal reports with recommendations)

The Agency has given advice to Health Ministers on the First Interim Assessment of SAGE regarding precautionary approaches to ELF EMFs and specifically regarding power lines and property, wiring and electrical equipment in homes:

http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage/

The evidence to date suggests that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline levels. The scientific evidence, as reviewed by PHE, supports the view that precautionary measures should address solely the possible association with childhood leukaemia and not other more speculative health effects. The measures should be proportionate in that overall benefits outweigh the fiscal and social costs, have a convincing evidence base to show that they will be successful in reducing exposure, and be effective in providing reassurance to the public.

The Government response to the First SAGE Interim Assessment is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16th October 2009:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091016/wmstext/91016m0001.htm>

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

HPA and Government responses to the Second Interim Assessment of SAGE are available at the following links:

http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2/

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130703

The above information provides a framework for considering the health impact associated with the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

Liaison with other stakeholders, comments should be sought from:

- the local authority for matters relating to noise, odour, vermin and dust nuisance

- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Environment Agency for matters relating to waste characterisation and acceptance
- the Clinical Commissioning Groups, NHS commissioning Boards and Local Planning Authority for matters relating to wider public health

Environmental Permitting

Amongst other permits and consents, the development will require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2010). Therefore the installation will need to comply with the requirements of best available techniques (BAT). PHE is a consultee for bespoke environmental permit applications and will respond separately to any such consultation.

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach⁵ is used

⁵ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24



Redcar & Cleveland Borough Council
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Development Management
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THE PLANNING INSPECTORATE
ALISON L DOWN
EIA AND LAND RIGHTS ADVISOR ON BEHALF OF
SECRETARY OF STATE
3D EAGLE WING
TEMPLE QUAY HOUSE
2 THE SQUARE
BRISTOL
BS1 6PN

Our Ref: R/2017/0119/DCO
Your Ref:
Contact: Mr D Pedlow
Date: 20 March 2017

Dear Sir/Madam

PROPOSAL: APPLICATION FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR
THE TEESIDE COMBINED CYCLE POWER PLANT
LOCATION: LAND AT WILTON INTERNATIONAL
APPLICANT: SEMBCORP UTILITIES (UK) LTD

I refer to the Scoping Report submitted on 21st February 2017. Please find below the response I have received from both internal consultees.

Redcar and Cleveland Borough Council Planning Strategy

The following policies are relevant when considering the proposed development:

National Policy

National Policy Statements

National Planning Policy Framework. From 27th March 2013, local planning policies in existing plans (i.e. those adopted before the NPPF) should be given due weight according to their consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given) (para 215).

Local Development Framework:

Core Strategy

CS1 Securing a Better Quality of Life
CS2 Locational Strategy
CS4 Spatial Strategy for South Tees
CS8 Scale and Location of New Employment Development
CS9 Protecting Existing Employment Areas
CS10 Steel, Chemical and Port-related Industries

CS11 Innovation and New Technologies
CS20 Promoting Good Design
CS22 Protecting and Enhancing the Borough's Landscapes
CS24 Biodiversity and Geological Conservation
CS25 Built and Historic Environment
CS26 Managing Travel Demand

Development Policies DPD:

DP1 Development Limits
DP2 Location of Development
DP3 Sustainable Design
DP6 Pollution Control
DP7 Potentially Contaminated and Unstable Land
DP9 Conservation Areas
DP10 Listed Buildings
DP11 Archaeological Sites and Monuments

Minerals and Waste Core Strategy and Development Policies DPDs

MWP1 Waste Audit

Emerging Development Plan

Publication Local Plan (2016):

SD1 Sustainable Development
SD2 Locational Policy
SD3 Development Limits
SD4 General Development Principles
SD6 Renewable and Low Carbon Energy
SD7 Flood and Water Management
LS4 South Tees Spatial Strategy
ED6 Protecting Employment Areas
N1 Landscape
N4 Biodiversity and Geological Conservation
HE1 Conservation Areas
HE2 Heritage Assets
HE3 Archaeological Sites and Monuments
TA1 Demand Management Measures
TA2 Travel Plans

Conclusion

The above policies are considered relevant to the project. The Redcar & Cleveland Publication Local Plan was published for consultation from December 2016 to January 2017. Submission of the Local Plan for examination is currently scheduled for March 2017.

Redcar and Cleveland Borough Council Environmental Protection (Nuisance)

With reference to the above planning application, I would confirm that I have assessed the following environmental impacts which are relevant to the development and would comment as follows:

I note a scoping report has been submitted in support of this application to provide

information and details on the Project, which will enable the Planning Inspectorate to respond to the accompanying request for an EIA.

This Scoping Report provides consultees with relevant information including on the project that will enable them to identify the key environmental issues and baseline data to be acquired and the assessment methodologies to be adopted for assessing the likely significant effects of the Project.

Further information will be provided through discussions with the applicant and consultants to discuss the contents of the EIA

I therefore have no adverse comments at this stage.

Redcar and Cleveland Borough Council Environmental Protection (Contamination)

With reference to the above planning application, I would confirm that I have assessed the following environmental impacts which are relevant to the development and would comment as follows:

I note a scoping report has been submitted in support of this application to provide information and details on the Project, which will enable the Planning Inspectorate to respond to the accompanying request for an EIA.

This Scoping Report provides consultees with relevant information including on the project that will enable them to identify the key environmental issues and baseline data to be acquired and the assessment methodologies to be adopted for assessing the likely significant effects of the Project.

Further information will be provided through discussions with the applicant and consultants to discuss the contents of the EIA

I therefore have no adverse comments at this stage.

Redcar and Cleveland Borough Council Development Engineers

The Plant Scoping Report includes a Traffic and Transport section (paragraph 6.8), and although I have no significant issues with the proposal, I do have the following observation/comments which will need to be addressed.

- Section 3.5 indicates that there will be a maximum 945 employees during the construction period (400+ for 16 months of the 39 month period) and around 60 employees during the operational phase.
- Section 6.8 Traffic & Transport gives general information on the processes that will be used to calculate traffic generation and distribution at the site. As far as possible, calculations should make use of information on staff numbers and shift times from the proposed operators of the site rather than estimates derived from databases such as TRICS.
- A1053 Greystone Road that provides access to the site is a trunk road so Highways England will have a particular interest in the impact of the development and operation of the site.

Conclusion

With regard to the conclusions reached in section 6.0 of the Scoping Report, I would agree that any EIA submitted for the proposed document will be required to contain the topics set out in table 8.1 of the report.

Yours faithfully

Mr D Pedlow
Principal Planning Officer

Planning Services
Town Hall
St Nicholas Street
Scarborough
YO11 2HG
Planning Services Manager
Mr D Walker



Contact: Mrs K Lawton
Tel: 01723 384405
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e-mail: planning.services@scarborough.gov.uk
Web site: www.scarborough.gov.uk/planning

SCARBOROUGH BOROUGH COUNCIL

The Planning Inspectorate (Alison Down)
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref
Our Ref 17/00395/OA

23 February 2017

Dear Sir or Madam

Proposal Consultation on scoping report (170221_EN010082-000011)
Site Address Teesside Combined Cycle Power Plan

I refer to the above consultation which was received at this office on 21 February 2017.

We do not wish to make any comment in relation to this application.

If you require any further assistance please contact me at the above address.

Yours faithfully


Mr D Walker
Planning Services Manager



do it online www.scarborough.gov.uk