Document Ref: 5.5
PINS Ref: EN010082

Tees CCPP Project

The Tees Combined Cycle Power Plant Project

Land at the Wilton International Site, Teesside

Planning Statement

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Regulation 5(2)(q)

Applicant: Sembcorp Utilities UK
Date: November 2017

DOCUMENT HISTORY

Document Ref	**5.5**		
Revision	2.0		
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Signed	[redacted]	**Date**	07.11.17
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Signed	[redacted]	**Date**	07.11.17
Document Owner	DWD		

GLOSSARY

Abbreviation	**Description**
2009 EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009
Application	The DCO Application
BAT	Best Available Techniques
BEIS	Department of Business, Energy and Industrial Strategy
CCR	Carbon Capture Readiness
CCS	Carbon Capture and Storage
CEMP	Construction Environmental Management Plan
CHP	Combined Heat and Power
COMAH	Control of Major Accident Hazards
DAS	Design and Access Statement
DCLG	Department for Communities and Local Government
DCO	Development Consent Order
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
EIA	Environmental Impact Assessment
EMF	Electro-magnetic Fields
EN-1	Overarching NPS for Energy (EN-1)
EN-2	NPS for Fossil Fuel Electricity Generating Infrastructure (EN-2)
EN-4	NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)
EN-5	NPS for Electricity Networks Infrastructure (EN-5)
EP	Environmental Permitting

Abbreviation	Description
EPA	Environmental Protection Act
ES	Environmental Statement
EU ETS	European Union Emissions Trading System
FGD	Flue Gas Desulphurisation
FRA	Flood Risk Assessment
FSWMP	Framework Site Waste Management Plan
FTE	full-time equivalent
GW	Gigawatts
HRA	Habitats Regulations Assessment
HSC	Hazardous Substances Consent
HSE	Health and Safety Executive
LVIA	Landscape and Visual Impact Assessment
MW	Megawatts
NE	Natural England
NG	National Grid
NPPF	National Planning Policy Framework
NPS	National Policy Statements
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008
PPG	Planning Practice Guidance
RCBC	Redcar and Cleveland Borough Council
SCU	Sembcorp Utilities (UK) Limited
Site	The Project Site
SoS	Secretary of State
SWMP	Site Waste Management Plan
the 'Order'	Tees Combined Cycle Power Plant (Generating Station) Order

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1. SUMMARY

1. This Planning Statement has been prepared on behalf of Sembcorp Utilities (UK) Limited ('SCU' or the 'Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the 'PA 2008').

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

3. A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14 and 15(2) of the PA 2008.

4. The DCO, if made by the SoS, would be known as the 'Tees Combined Cycle Power Plant (Generating Station) Order' (the 'Order').

5. The primary purpose of this Planning Statement is to assist the examining authority and the SoS in their assessment of the Application by demonstrating how SCU has taken account of relevant planning policy, notably the National Policy Statements ('NPSs') for energy infrastructure, and the extent to which the Proposed Development complies with relevant policy. In doing so, SCU has also had regard to policy contained within the 'National Planning Policy Framework' ('NPPF') and the local development plan.

6. The PA 2008 confirms that where NPSs are in place they shall be the primary basis for the decisions made by the SoS. In the event of any conflict between a NPS and other documents or policy, the NPS takes precedence.

7. The NPSs for energy infrastructure confirm that there is an urgent need for new electricity generating capacity in the UK, including gas-fired generation, to ensure the security of the Country's electricity supplies and to provide back-up generation as we become increasingly reliant on renewable energy. The NPSs are clear in stating that the need for new energy infrastructure is not open to debate or interpretation and that the SoS should give substantial weight to the contribution that all developments would make toward satisfying this need.

8. The NPSs set out a number of considerations that should be taken into account by applicants in preparing applications and also the SoS in decision-making. An assessment of the conformity of the Proposed Development with these considerations is provided in Section 5 of this Planning Statement. An assessment of its compliance with other matters that may be considered 'relevant and important' by the SoS for the purposes of decision-making, including the NPPF and local development plan policy is also provided at Section 5.

9. The assessment at Section 5 demonstrates that SCU has fully taken into account the relevant considerations and guidance contained within the NPSs and that there is no conflict with NPS policy or with the NPPF or local development plan policy.

10. Section 6 identifies the key benefits of the Proposed Development as well as its likely significant adverse effects. The key benefits can be summarised as follows:

- EN-1 clearly confirms the urgent 'need' that exists for all types of nationally significant energy infrastructure, including new fossil fuel generating stations that are carbon capture ready ('CCR'). It is clear that the SoS should assess applications on the basis that this 'need' and its scale and urgency has been proven.
- The Proposed Development, with a gross output capacity of up to 1,700 MW, will respond to this urgent need in a timely manner (the Proposed Development could be operational by 2022).
- The Proposed Development will support the increased deployment of renewable energy in the UK, which is crucial if the country is to move to a low carbon economy. In this respect, EN-1 recognises that fossil fuel generating stations have a vital role to play in adding to the security, diversity and resilience of the UK's electricity supplies. Not least, they ensure that the country is not overly reliant on any one type of generation and can be operated flexibly, providing back-up for when generation from intermittent renewable generating capacity is low.
- Gas is more efficient and results in lower carbon dioxide emissions than other fossil fuels such as coal and oil. Furthermore, the Proposed Development will deploy highly efficient gas turbine technology that will result in significantly lower emissions than average UK gas-fired power plants. The Proposed Development therefore represents a form of low carbon electricity generation and will make a positive contribution toward the UK's carbon dioxide reduction targets.
- The Proposed Development has been designed to be CCR so should the deployment of carbon capture technology become feasible in the future its carbon dioxide emissions will be reduced further.
- The Proposed Development has been designed to be combined heat and power ('CHP Ready') so that should a viable heat demand be identified in the future the Proposed Power Plant will be able to accommodate the necessary facilities and connections to meet that demand.
- The Proposed Development will make use of brownfield land at an existing power generation site that already benefits from electrical, gas and cooling water connections and other infrastructure. This will assist in minimising the impact of the Proposed Development upon the environment and its carbon footprint during construction.
- The Proposed Development would have substantial benefits for the regional and local economy, in terms of employment during the circa 36 month construction phase.
- The Proposed Development will provide a significant number of long-term jobs. It is estimated that there will be up to approximately 60 jobs during operation. There will also be further indirect and induced jobs generated.
- Further to the above, the draft DCO includes Requirement 29 'Employment and skills plan' that is aimed at promoting employment, skills and training development opportunities for local residents during construction and employment opportunities during operation.
- The local development plan recognises the importance of the Wilton International Site. It supports further development which is related to the energy industries. The Proposed Development will ensure that the Site once again acts as a location for electricity generation. It is therefore in accordance with strategic policy in the local development plan.

11. As with all development proposals, it is necessary to assess the Proposed Development in terms of its conformity and compliance with relevant policy and weigh the benefits and any potential significant adverse effects against each other (the 'planning balance').

12. The Proposed Development will deliver a number of very clear and substantial benefits. The significant adverse effects (minor to moderate) are confined to visual amenity at a small number of residential and recreational receptors. Notwithstanding this, the NPSs for energy infrastructure recognise that fossil fuel generating stations will have an impact on landscape and visual amenity. Furthermore, it should be considered that the immediate context within which much of the Site sits is already very much industrialised in terms of its character and appearance. It is dominated by the large and functional industrial buildings and plant. The closest of which is the Teesside Ensus bioethanol plant, adjacent to the east of the Site; Europe's largest wheat bio refinery.

13. It is therefore considered that the benefits of the Proposed Development substantially outweigh the limited harm that will result. In conclusion, SCU considers that the Proposed Development is acceptable in planning terms and that a DCO should be made.

1 INTRODUCTION

OVERVIEW

1.1 This Planning Statement has been prepared on behalf of Sembcorp Utilities (UK) Limited ('SCU' or the 'Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the 'PA 2008').

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

1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14 and 15(2) of the PA 2008.

1.4 The DCO, if made by the SoS, would be known as the 'Tees Combined Cycle Power Plant (Generating Station) Order' (the 'Order').

SCU

1.5 SCU provides vital utilities and services to major international process industry customers on the Wilton International site on Teesside. Part of Sembcorp Industries, a Singapore-based group providing energy, water and marine services globally, Sembcorp Utilities UK also owns some of the industrial development land on the near 810 hectares (2,000 acre) site which is marketed to energy intensive industries worldwide.

1.6 SCU owns the land required for the Proposed Development.

THE PROJECT SITE

1.7 The Project Site (the 'Site') is on the south west side of the Wilton International Site, adjacent to the A1053.

1.8 The Site lies entirely within the administrative area of Redcar and Cleveland Borough Council (RCBC) which is a unitary authority.

1.9 Historically the Site accommodated a 1,875 MW Combined Cycle Gas Turbine power station (the former Teesside Power Station) with the ability to generate steam for utilisation within the wider Wilton International site. The Teesside Power Station ceased generation in 2013 and was demolished between 2013 and 2015.

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

- brownfield land that has previously been used for power generation;
- on-site gas connection, supplied from existing National Grid Gas Plc infrastructure;

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

1.11 A more detailed description of the Site is provided at Chapter 3 'Description of the Site' of the Environmental Statement ('ES') Volume I (Application Document Ref. 6.2.3).

THE PROPOSED DEVELOPMENT

1.12 The main components of the Proposed Development are summarised below:

- Work No. 1 – a natural gas fired electricity generating station located on land within the Wilton International site, Teesside, which includes the site of a former CCGT power station, with a nominal net electrical output capacity of up to 1,700 MWe at ISO Conditions; and
- Work No. 2 – associated development comprising within the meaning of section 115(2) of the 2008 Act in connection with the nationally significant infrastructure project referred to in Work No. 1.

1.13 Please refer to Schedule 1 of the Draft DCO (Application Document Ref. 2.1) for more detail.

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

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

1.15 The above scenarios have been fully assessed within the ES.

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

THE APPLICATION AND DRAFT DCO

1.17 The Application Guide (Application Document Ref. 1.2) lists the documents that make up the Application and how these comply with relevant legislative and policy requirements. The Application Guide is a 'live' document that will be updated throughout the examination of the Application, as required.

1.18 Schedule 1 of the draft DCO (Application Document Ref. 2.1) provides the formal description of the Proposed Development and its components and identifies the individual Works Numbers ('Works Nos.') for those components.

1.19 The Land Plans (Application Document Ref. 4.2) show the extent of the land (the Order land) required for the Proposed Development, while the Works Plans (Application Document Ref. 4.4) show the Order limits and identify the location and areas within which each of the main components of the Proposed Development are to be built by reference to the Works Numbers ('Nos.') set out in Schedule 1 of the draft DCO by the coloured and hatched areas on the Works Plans.

1.20 Information on the interests and rights that exist in relation to the land within the Order limits is provided by the Landownership/Interests Schedule (Application Document Ref. 3.1).

1.21 The Proposed Development represents an Environmental Impact Assessment ('EIA') development and therefore the Application includes an Environmental Statement ('ES') (Application Document Ref. 6.1 - 6.4) that reports the findings of the EIA that has been undertaken.

1.22 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017' (the '2017 EIA Regulations') came into force on 16 May 2017, replacing 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009' (the '2009 EIA Regulations'). The 2009 EIA Regulations however continue to apply to certain projects, pursuant to the transitional arrangements set out in Regulation 37 of the 2017 EIA Regulations. That provides that (amongst other circumstances) where a request has been made that the SoS adopts a scoping opinion, prior to the date of the commencement of the 2017 EIA Regulations, then the 2009 EIA Regulations "continue to apply to any application for an order granting development consent". The Applicant submitted such a request to the SoS and it was received by the SoS on 17 August 2016, before 16 May 2017 (the commencement of the 2017 EIA Regulations), and therefore the 2009 EIA Regulations are those that apply to the Application. The Applicant has however complied with the 2017 EIA Regulations in addition to the 2009 EIA Regulations in the preparation of the ES.

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

1.24 The ES comprises a Non-Technical Summary (Application Document Ref. 6.1) and ES Volumes I, II and III (Application Document Refs. 6.2 to 6.4). It has not been possible for SCU to fix all of the design details of the Proposed Development at this stage and it has therefore sought to incorporate a degree of flexibility within its layout and design. In order to accommodate this flexibility and ensure a robust EIA of the Proposed Development, SCU has adopted the 'Rochdale Envelope' approach and, where relevant, assessed a number of maximum design parameters.

1.25 The Applicant has consulted extensively on the Proposed Development. This has included a stage of non-statutory consultation (Stage 1), followed by a stage of statutory consultation (Stage 2) in accordance with Sections 42, 47 and 48 of the PA 2008. The consultation undertaken and how responses received to that consultation have been taken into account is documented within the Consultation Report and its Appendices (Application Document Ref. 5.1).

1.26 Schedule 2 'Requirements' of the draft DCO contains a number of 'requirements' that would control the detailed design of the Proposed Development in addition to its construction and operation to ensure that it remains within the scope of the EIA carried out and does not result in unacceptable impacts. These would require the submission to and approval by the local planning authority (RCBC) of further details of the Proposed Development. A significant number of the requirements must be discharged prior to the commencement of the Proposed Development with others needing to be discharged prior to commissioning or commercial operation.

1.27 The Application does not include a development consent obligation as the EIA of the Proposed Development has not identified the need for mitigation (in addition to that which is embedded in its design or would be secured by requirements) in order to make it acceptable in planning terms.

THE PURPOSE AND STRUCTURE OF THIS DOCUMENT

1.28 The primary purpose of this Planning Statement is to assist the examining authority and the SoS in their assessment of the Application by demonstrating how the Applicant has taken account of relevant planning policy, notably the National Policy Statements for energy infrastructure, and the extent to which the Proposed Development complies with policy. In doing so, the Planning Statement draws upon and cross-refers where relevant to the other documents that form part of the Application. The Planning Statement provides a summary of the relevant policies and alongside this the Applicant's assessment of how the Proposed Development complies with those policies.

1.29 To further assist the examining authority and the SoS's decision-making, the Planning Statement also sets out the key benefits and likely significant adverse environmental effects of the Proposed Development. In addition, it considers other relevant matters, notably the 'non-DCO' consents and licences required for the construction and operation of the Proposed Development; the position with regard to the acquisition of interests and rights in land; the requirements contained within the draft Order and the Applicant's position with regard to matters such as any development consent obligation.

1.30 The Planning Statement is structured as follows:

Table 1.1 - Planning Statement structure

Section	Title	Overview
Section 2	Planning History and Local Planning Designations	Provides an overview of relevant planning history and the local planning designations and allocations that apply to the Site.
Section 3	Legislative and Policy Framework	Briefly describes the process for the consideration of applications under the PA 2008 and the matters that the SoS must have regard to, including relevant policy.
Section 4	The Need for the Proposed Development	Details the need that exists for the Proposed Development having regard to the relevant National Policy Statements for energy.

Section	Title	Overview
Section 5	The Assessment of the Proposed Development Against Policy	Provides an assessment of the Proposed Development against relevant policy, notably the National Policy Statements for energy infrastructure.
Section 6	The Benefits and Impacts of the Proposed Development	Identifies the key benefits of the Proposed Development as well as its likely significant adverse effects/impacts.
Section 7	Other Matters	Refers to the non-DCO consents and licences required for the construction and operation of the Proposed Development;; the 'requirements' contained within the draft Order and the Applicant's position with regard to matters such as any development consent obligation.
Section 8	Conclusions	Sets out the conclusions of the Planning Statement in terms of the overall acceptability of the Proposed Development.

2 PLANNING HISTORY AND LOCAL PLANNING DESIGNATIONS

2.1 This section provides an overview of the planning history of the Site and also identifies any local planning designations and allocations that apply to it.

PLANNING HISTORY

2.2 The Wilton International Site (within which the Site is contained), comprising a total area of approximately 810 hectares (2,000 acres), benefits from three (identical) instruments of consent granted by Redcar, Eston and Guisborough Borough Councils in 1946 (referred to collectively as the 'IOC').

2.3 The IOC effectively confers deemed planning consent for heavy and light industrial development.

2.4 The Site itself was previously occupied by the former Teesside Power Station – consented under Electricity Act 1989. The previous generating station was constructed at the Site in 1990 by Enron Power Company (later acquired by GDF Suez) and came into operation in 1993. The RCBC planning register includes numerous records associated with the previous generating station, including:

- Prior notification R/2012/0867/PND for the proposed demolition of 8 off heat recovery system generator exhaust stacks – granted in 2012;
- Planning permission R/2010/0141/FFM for upgrade of current power station (extension of extant permission R/2008/0062/FFM) – granted in 2010 (not implemented);
- Planning permission R/2008/0062/FFM for upgrade of current power station – granted in 2008 (not implemented);
- Planning permission R/2004/0814/FF for erection of an induction / reception facility – granted in 2004;
- Planning permission R/2003/0937/FF for erection of 2 no. single storey modular buildings – granted in 2003
- Planning permission R/2000/0204/FF for erection of an electricity sub-station – granted in 2000;
- Planning permission R/1999/0078/FF for new rotor storage parts building – granted in 1999;
- Planning permission R/1997/0629/FF for a new contractors building – granted in 1997;
- Planning permission R/1996/0702/FF for installation of underground natural gas pipeline and gas metering compound – granted in 1996;
- Planning permission R/1996/0332/FF for gas export metering station – granted in 1996; and
- Planning permission L/1993/0120/FF for formation of permanent car park and associated landscaping – granted in 1993.

2.5 The generating station ceased operations in 2013, and the decommissioning and demolition of all buildings and plant was undertaken between 2013 and 2015. Prior to 1990 the Site is understood to have been undeveloped / agricultural land.

LOCAL PLANNING DESIGNATIONS

2.6 The Site is identified by the Redcar and Cleveland Core Strategy Development Plan Document (2007) as falling within an area covered by Policy CS4 'South Tees Employment Area' and Policy CS10 'Steel, Chemical and Port-related Industries'.

2.7 Policy CS4 supports the development of energy industries, amongst other things, at the Wilton International Site. Policy CS10 supports the development and expansion of industrial activities (in general) at the Wilton International Site. These policies are supportive of the principle of new energy generating infrastructure at the Site.

2.8 ES Volume I, Chapter 4 'Overview of Environmental and Socioeconomic Baseline ' (Application Document Ref. 6.2.4) provides information on sensitive receptors, heritage assets and environmental designations (e.g. nature conservation site or flood risk zones) within the vicinity of the Site.

SUMMARY

2.9 There is a history of power generation at the Site and the principle of electricity generation is supported by local planning policy. In broad land use terms, the Proposed Development therefore accords with the local development plan for the borough. Please refer to Section 5 for more detail in terms of how the Proposed Development complies with the relevant policies of the adopted and emerging local development plan.

3 LEGISLATIVE AND POLICY FRAMEWORK

3.1 This chapter provides an overview of the legislative context for the Proposed Development and the planning policy framework against which it is to be considered.

LEGISLATIVE CONTEXT

3.2 The Planning Act 2008 (the 'PA 2008') introduced a new system for consulting on, examining and determining 'nationally significant infrastructure projects' ('NSIPs') as defined by Section 14 of the PA 2008.

3.3 The main legislative and procedural requirements relating to NSIPs are set out within the following:

- The PA 2008;
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations'); and
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the '2009 EIA Regulations') - now the 2017 EIA Regulations, although as explained in Section 1 (paragraphs 1.25 - 1.26) the 2009 EIA Regulations apply to the Proposed Development.

3.4 The Proposed Development falls within the definition of a NSIP under Sections 14(1)(a) and 15(1) and (2) of the PA 2008, being an onshore electricity generating station in England with a capacity exceeding 50 megawatts ('MW'). It is also falls under Schedule 1 of the 2009 EIA Regulations, under the category of 'Thermal power stations and other combustion installations with a heat output of 300 megawatts or more'. As such, an EIA is required for the Proposed Development and an ES must be prepared in accordance with the relevant EIA Regulations.

3.5 Before a NSIP can proceed, an application for a Development Consent Order ('DCO') must be submitted to the PINS pursuant to Section 37 of the PA 2008. The PINS act on behalf of the relevant Secretary of Statement ('SoS'); in this case the SoS for Business, Energy and Industrial Strategy ('BEIS'). The PINS is responsible for examining the application and making a recommendation to the SoS who then makes the decision as to whether a DCO should be made authorising the construction and operation of the development in question. A DCO can provide for or remove the need to obtain a number of authorisations and consents (e.g. planning permission), meaning applicants do not need to make multiple consent applications. It can also provide powers of compulsory acquisition, enabling the acquisition of land or rights in land required to deliver the development.

3.6 In advance of an application for a DCO being submitted, the PA 2008 and related regulations require the applicant to consult widely. This includes consulting the local community - those living in the vicinity of the land to which the development relates; certain prescribed persons and bodies (including relevant technical consultees and statutory undertakers); relevant local authorities; and affected or potentially affected landownership interests and persons. The applicant must demonstrate how it has had regard to the responses received to the consultation in deciding the final form of development sought within the application for a DCO. This must be documented in a consultation report that is required to form part of the application under Section 37 of the PA 2008.

PLANNING POLICY FRAMEWORK FOR NSIPS

NATIONAL POLICY STATEMENTS

3.7 The PA 2008 grants the SoS power to designate statements as National Policy Statements ('NPSs') setting out policy relevant to the examination and determination of different types of NSIPs. Notably, where a NPS has effect in relation to a type of NSIP development (such as energy generation), Section 104 of the Act requires the SoS to determine applications for NSIPs in accordance with the relevant NPSs, unless this would:

- lead to the UK being in breach of its international obligations;
- be in breach of any statutory duty that applies to the SoS;
- be unlawful;
- the adverse impacts of the development outweigh its benefits; or
- be contrary to any regulations that may be made prescribing other relevant conditions.

3.8 NPSs which have effect are therefore the primary (but not only) matter against which applications for NSIPs are judged. In taking decisions on applications for NSIPs, Section 104 of the PA 2008 states that the SoS must also (in addition to the NPSs) have regard to appropriate marine policy documents, local impact reports (these are submitted by local authorities during the examination of DCO applications) and any other matters that the SoS considers to be both 'important and relevant' to their decision. Such matters can include local development plan documents.

3.9 In July 2011, the SoS for BEIS (then Energy and Climate Change) designated a number of statements as NPSs for energy infrastructure. These included an overarching NPS setting out general policies and assessment principles for energy infrastructure and a number of technology specific NPSs. Those NPS considered of most relevance to the Proposed Development are considered to be:

- the Overarching NPS for Energy ('EN-1');
- the NPS for Fossil Fuel Electricity Generating Infrastructure ('EN-2');
- the NPS for Gas Supply Infrastructure and Gas and Oil Pipelines ('EN-4'); and
- the NPS for Electricity Networks Infrastructure ('EN-5').

3.10 A summary of the key policy within these NPSs is provided below.

THE OVERARCHING NPS FOR ENERGY (EN-1)

3.11 NPS EN-1, in conjunction with related technology specific NPSs, provides the primary basis for decisions by the SoS in relation to nationally significant energy infrastructure.

3.12 Part 2 of EN-1 sets out 'Government policy on energy and energy infrastructure development'. It confirms the following:

- the Government's commitment to meet its legally binding target to cut greenhouse gas emissions by at least 80% by 2050 compared to 1990 levels;
- the need to affect a transition to a low carbon economy so as to reduce greenhouse gas emissions; and

- the importance of maintaining secure and reliable energy supplies as older fossil fuel generating plant closes as a result of the European Union Emissions Trading System ('EU ETS') and the UK moves toward a low carbon economy.

3.13 Part 3 of EN-1 defines and sets out the need that exists for nationally significant energy infrastructure. Paragraph 3.1.1 states that the UK needs all the types of energy infrastructure covered by the NPS in order to achieve energy security at the same time as dramatically reducing greenhouse gas emissions. Paragraph 3.1.2 goes on to state that it is for industry to propose new energy infrastructure and that the Government does not consider it appropriate for planning policy to set targets for or limits on different technologies.

3.14 Notably, paragraph 3.1.3 of EN-1 stresses that the SoS should assess applications for development consent for the types of infrastructure covered by the energy NPSs "…on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need…" is as described for each of them. Paragraph 3.1.4 continues that the SoS should give substantial weight to the contribution that all proposed developments would make toward satisfying this need when considering applications under the Act. As such, EN-1 is clear that the need that exists for new energy infrastructure is not open to debate or interpretation.

3.15 The urgency of the need for new electricity generating capacity is underlined within EN-1 at paragraph 3.3.7 with up to 22 gigawatts ('GW') of existing capacity needing to be replaced, particularly in the period up to 2020, in part due to the Industrial Emissions Directive, but also as a result of some power stations reaching the end of their operational lives. In response to this, EN-1 identifies a minimum need for 59 GW of new generating capacity over the period to 2025 (paragraph 3.3.23).

3.16 Part 4 of EN-1 sets out a number of 'assessment principles' that must be taken into account by applicants, PINS and the SoS (respectively) in preparing, examining and determining applications for nationally significant energy infrastructure. General points include (paragraph 4.1.2) given the level and urgency of need for the infrastructure covered by the energy NPSs, the requirement for the SoS to start with a presumption in favour of granting consent for applications for energy NSIPs. This presumption applies unless any more specific and relevant policies set out in the relevant NPS clearly indicate that consent should be refused or any of the considerations referred to in Section 104 of the PA 2008 (noted above - paragraph 3.7) apply.

3.17 Paragraph 4.1.3 goes on to state that in considering any application, and in particular, when weighing its adverse impacts against its benefits, the SoS should take into account:

- its potential benefits, including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and
- its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.

3.18 Paragraph 4.1.4 continues by stating that within this context the SoS should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels.

3.19 Other assessment principles include the matters to be covered within the ES produced for the application; the Conservation of Habitats and Species Regulations 2010; the consideration of alternatives; criteria for 'good design'; consideration of the feasibility of combined heat and power; consideration of the requirements of the carbon capture readiness regulation; grid

connection; climate change adaptation; pollution control and environmental regulatory regimes; safety; hazardous substances; health; common law and statutory nuisance and security, amongst others.

3.20 Part 5 of EN-1 lists a number of 'generic impacts' that relate to most types of energy infrastructure, which both applicants and the SoS should take into account when preparing and considering applications. These include land use; socio-economics; air quality and emissions; noise and vibration; dust, odour, artificial light, steam and smoke; traffic and transport; civil and military aviation; biodiversity and geological conservation; historic environment; landscape and visual; water quality and resources; flood risk and waste, amongst others. Paragraph 5.1.2 stresses that the list of impacts is not exhaustive and that applicants should identify the impacts of their proposed developments in the ES in terms of both those covered by the NPSs and others that may be relevant. In relation to each of the generic impacts listed within Part 5 of EN-1, guidance is provided on how the applicant should assess these within their application and also the considerations that the SoS should take into account in decision-making.

3.21 In addition to a number of the assessment principles and generic impacts covered by EN-1; NPS EN-2, EN-4 and EN-5 set out the factors (e.g. those influencing site selection) and 'assessment and technology specific' considerations to be taken into account in the preparation and assessment of applications for fossil fuel generating stations, gas pipelines and electricity network infrastructure, including relevant environmental matters. These are considered briefly below.

THE NPS FOR FOSSIL FUEL ELECTRICITY GENERATING INFRASTRUCTURE (EN-2)

3.22 EN-2 provides the primary basis for decisions on applications for fossil fuels electricity generating stations, including gas-fired power stations, such as the Proposed Development. The document provides additional policy guidance against which to assess such proposals.

3.23 Section 2.2 outlines the factors influencing site selection for fossil fuel power stations. These include land use and size of site; transport infrastructure for the delivery and removal or construction materials, fuel, waste and equipment; and water resources, for example, some power station have very high water demands for cooling; and grid connection. However, in outlining such factors, paragraph 2.2.1 makes clear that "…it is for energy companies to decide what application to bring forward and the Government does not seek to direct applicants to particular sites for fossil fuel generating stations."

3.24 Technology specific considerations to be taken into account in the assessment of fossil fuel power stations (in addition to the assessment principles and generic impact set out in EN-1) include, amongst other things, air emissions; landscape and visual; noise and vibration; and water quality and resources.

THE NPS FOR GAS SUPPLY INFRASTRUCTURE AND GAS AND OIL PIPELINES (EN-4)

3.25 Section 2.19 of EN-4 provides guidance on the assessment of applications for gas pipelines and connections. The Proposed Development includes a connection to the National Transmission System ('NTS') for gas; although it should be noted that the Proposed Development will be connected to an existing pipeline within the Site that was associated with the generating station that previously occupied the land. These works are included as part of Work No. 1B.

3.26 Key technology specific considerations include proximity to sensitive land uses (e.g. residential development and schools) when planning routes; pipeline safety; noise and vibration; biodiversity; landscape and visual; water quality and resources; and soils and geology. The consideration of

these factors for the Proposed Development is limited, on the basis that there is a pre-existing pipeline available for use on the Site.

THE NPS FOR ELECTRICITY NETWORKS INFRASTRUCTURE (EN-5)

3.27 EN-5 outlines principles on which the SoS will apply to applications for new electricity transmission lines as well as associated infrastructure, such as substations. It should be noted that the Proposed Development will involve relatively small scale electricity grid connection works to the existing National Grid ('NG') substations at the Site. Again, these works are included as part of Work No. 1B..

3.28 Technology specific considerations to be taken into account for such works include biodiversity and geological conservation, landscape and visual, noise and vibration and the impacts of electric and magnetic fields.

OTHER MATTERS THAT MAY BE 'IMPORTANT AND RELEVANT'

3.29 As noted above, in making decisions on applications for NSIPs, section 104 of the PA 2008 states that the SoS must also (in addition to the NPSs) have regard to any other matters that they consider to be both 'important and relevant' to their decision. Paragraph 4.1.5 of EN-1 provides some clarification on such matters, stating that these may include development plan documents or other documents in the local development framework.

3.30 EN-1 is clear (reflecting the terms of the PA 2008), however, that in the event of any conflict between a NPS and development plan documents, the NPS prevails for the purposes of SoS decision-making given the national significance of the infrastructure concerned.

NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE

3.31 The National Planning Policy Framework ('NPPF') was adopted in March 2012 by the Department for Communities and Local Government ('DCLG') and replaced the majority of Planning Policy Statements and Planning Policy Guidance Notes. The policies contained within the NPPF are expanded upon and supported by the 'Planning Practice Guidance', which was published in March 2014 (also by DCLG).

3.32 The NPPF sets out the Government's planning policies for England and how these are to be applied. It is a material consideration in planning decisions. Paragraph 3 of the NPPF makes it clear that the document does not contain specific policies for NSIPs and that applications in relation to NSIPs are to be determined in accordance with the decision making framework set out in the Act and relevant NPSs, as well as any other matters that are considered both important and relevant. However, paragraph 3 goes on to confirm that the NPPF may be considered to be a matter that is both important and relevant for the purposes of assessing DCO applications. The EIA undertaken for the Proposed Development will therefore have regard to the relevant policies of the NPPF as part of the overall framework of national policy.

3.33 Paragraph 6 of the NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that the policies that are set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice. Paragraph 7 goes on to identify three dimensions to sustainable development: economic, social and environmental. It states that these dimensions give rise to the need for the planning system to perform a number of key roles as follows:

- an economic role - contributing to a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generation and by creating a high quality built environment, with accessible local services that reflect communities needs and support their health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.

3.34 Paragraph 8 emphasises that these roles should not be undertaken in isolation, because they are mutually dependent. For example, economic growth can secure higher social and environmental standards, while well designed buildings and places can improve the lives of people and communities.

3.35 Central to the NPPF is 'a presumption in favour of sustainable development'. This is highlighted at Paragraph 14. For decision-making, this means approving applications that accord with the development plan without delay.

3.36 Paragraph 17 sets out a number of core land-use planning principles that should underpin decision making. Those of particular relevance to the Proposed Development include to:

- proactively drive and support sustainable economic development to deliver the infrastructure that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable energy sources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

3.37 NPPF policies of particular relevance include promoting sustainable transport; requiring good design; promoting healthy communities; conserving and enhancing the natural and historic environment; and meeting the challenge of climate change and mitigating its effects.

THE STATUTORY DEVELOPMENT PLAN (LOCAL PLANNING POLICY)

3.38 The Proposed Development lies entirely within the administrative areas of RCBC.

3.39 The relevant parts of the statutory development plan for the area currently comprises the following development plan documents:

- the 'saved' policies of the Redcar & Cleveland Local Plan, adopted June 1999;
- the Redcar & Cleveland Core Strategy Development Plan Document, adopted July 2007;
- the Redcar & Cleveland Development Policies Development Plan Document, adopted July 2007; and
- the Tees Valley Joint Minerals and Waste Development Plan document, adopted September 2011.

3.40 The Tees Valley Joint Minerals and Waste Development Plan document (2011) and the Interim Policy on Hot Food Takeaways document do not contain any relevant policies with regards to the Project and are not considered further.

3.41 RCBC is currently preparing a 'New Local Plan' to replace the saved policies of the 1999 Local Plan and the above Development Plan Documents. The Plan is at a relatively advanced stage and RCBC and has been submitted to the Secretary of State for examination. It is likely that that the plan will be adopted in 2018.

3.42 While section 104 of the Act states that other matters that are 'important and relevant' (and to which the SoS must also have regard) include local development plan documents, EN-1 is clear that in the event of any conflict between a NPS and a local development plan document, the NPS prevails for the purpose of SoS decision-making given the national significance of the infrastructure concerned.

3.43 The documents considered to contain relevant policies are; The Core Strategy Development Plan Document (2007), the Development Policies Development Plan Document (2007), and the draft 'New Local Plan'.

3.44 The relevant policies are summarised below.

3.45 Core Strategy Development Plan Document (2007) policies of note include the following:

- CS1 Securing a Better Quality of Life: focusing upon sustainable development underpinning development proposals;
- CS4 Spatial Strategy for South Tees Employment Area: increase investment and employment in the area, protect and enhance business, safeguard the steel industry and develop energy industries;
- CS8 Scale and Location of New Employment Development: up to 160 hectares of general employment land will be brought forward in the period up to 2021;
- CS9 Protecting Existing Employment Areas: land and buildings within existing business parks and industrial estates will continue to be developed and safeguarded for business and general industry;
- CS10 Steel, Chemical and Port-related Industries: supports the development and expansion of industrial activities (in general) at the Wilton International Site, including chemical related activities.

- CS11 Innovation and New Technologies: proposals will be supported that strengthen the development of the Borough as a centre for energy and recycling industries. Such development will be centred at Wilton International and the wider South Tees area;
- CS22 Protecting and Enhancing the Borough's Landscape: the overall approach will be to protect and enhance the Borough's landscape based on the character areas identified through the Landscape Character Assessment;
- CS24 Biodiversity and Geological Conservation: the Borough's biodiversity and geological resource will be protected and enhanced;
- CS25 Built and Historic Environment: development proposals will be expected to contribute positively to the character of the built and historic environment of the Borough; and
- CS26 Managing Travel Demand: development proposals will be required to support the Redcar and Cleveland Local Transport Plan.

3.46 Development Policies DPD Development Plan Document (2007) policies are as follows:

- DP1 Development Limits: within development limits, development will generally be acceptable where it accords with site allocations and designations in the Local Development Framework;
- DP3 Sustainable Design: all development must be designed to a high standard;
- DP6 Pollution Control: development that would give rise to increased levels of noise or vibration or which would add to air, land or water pollution, by itself or in accumulation with existing or other proposed uses, will only be permitted under specific circumstances that may require mitigation to create acceptable conditions;
- DP7 Potentially Contaminated and Unstable Land: development on or near potentially contaminated or unstable land will not be permitted unless effective measures are agreed to deal with any contamination or instability;
- DP10 Listed Buildings: any development affecting the setting of a listed building will only be permitted under specific circumstances; and
- DP11 Archaeological Sites and Monuments: development that would adversely affect important archaeological sites or monuments will not be approved.

3.47 Draft Publication Local Plan (November 2016) policies are as follows:

- SD1 Sustainable Development: when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework;
- SD2 Locational Policy: development will be directed to the most sustainable locations in the borough;
- SD3 Development Limits: within development limits, development will generally be acceptable where it accords with the site allocations and designations in the Local Plan;
- SD4 General Development Principles: in assessing the suitability of a site or location, development will be permitted where it fulfils general development principles identified within SD4;
- SD6 Renewable and Low Carbon Energy: renewable and low carbon energy schemes will be supported and encouraged, and will be approved where their impact is, or can be made, acceptable;

- SD7 Flood and Water Management: flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk;
- LS4 South Tees Spatial Strategy: a number of economic, connective, and environmental aims for areas within South Tees including Wilton International;
- ED6 Protecting Employment Areas: land and buildings within existing industrial estates and business parks will continue to be developed and safeguarded for general industrial and business uses (B1, B2 & B8 uses);
- N1 Landscape: aim to protect and enhance the borough's landscapes;
- N4 Biodiversity and Geological Conservation: protect and enhance the borough's biodiversity and geological resources;
- HE 3 Archaeological Sites and Monuments: development that would adversely affect archaeological sites or monuments that are designated heritage assets, or their settings, or archaeological sites of equivalent significance will only be approved in the most exceptional circumstances;
- TA1 Demand Management Measures: the LTP will provide an overarching framework for demand management that will ensure that a comprehensive approach is taken to include the provision of public transport alternatives; and the identification of the full range of demand management measures, including parking policies, that should be considered for implementation through programmes, bespoke to particular areas of the borough; and
- TA2 Travel Plans: development proposals will be required to support the Redcar and Cleveland Local Transport Plan.

SUMMARY

3.48 The NPSs form the primary basis for decisions by the SoS on applications for NSIPs. In addition to setting out the strong need for new energy infrastructure, they provide detailed guidance on the matters to take into account when both preparing and assessing applications for NSIPs. They also confirm that the SoS must have regard to any other matters that he/she considers are both 'important and relevant', which can include the NPPF and local development plan policy. Both the NPS and NPPF are is clear, however, that in the event of any conflict between a NPS and another document, the NPS prevails.

4 THE NEED FOR THE PROPOSED DEVELOPMENT

4.1 This section details the need that exists for the Proposed Development in policy terms, with particular reference to the energy NPSs.

THE NEED FOR NEW ELECTRICITY GENERATING CAPACITY

4.2 The 'need' that exists for new electricity generating infrastructure, such as that proposed, is confirmed in the NPSs for energy infrastructure that were designated by the SoS for BEIS (then the Department of Energy and Climate Change) in July 2011. These NPSs form the primary basis for decisions by the SoS on nationally significant energy infrastructure that falls to be considered under the PA 2008.

4.3 As confirmed in Section 3, the NPSs of most direct relevance to the Proposed Development include EN-1, EN-2, EN-4 and EN-5. Of the four, EN-1 sets out the 'need' that exists for new energy infrastructure.

4.4 Part 2 of EN-1 'Government policy on energy and energy infrastructure development' outlines the policy context for the development of nationally significant energy infrastructure. Paragraph 2.1.2 highlights that energy is vital to economic prosperity and social well-being and, as such, it is important to ensure that the UK has secure and affordable energy. Furthermore, producing the energy the UK requires and getting it to where it is needed necessitates a significant amount of infrastructure, both large and small scale.

4.5 Section 2.2 'The road to 2050' confirms the Government's commitment to meet the UK's legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels (paragraph 2.2.1). This will require major changes in how energy is generated and used. It identifies a number of key themes of Government energy policy. These include the transition to a low carbon economy; the power sector and carbon emissions; electricity market reform; and the security of energy supplies.

4.6 The section on 'electricity market reform' (paragraphs 2.2.16 - 2.2.19) highlights how around a quarter of the UK's generating capacity is due to close by the end of the decade and that while for the time being electricity margins are healthy there is still the need for investment of over £100 billion in the electricity sector alone by the end of the decade. It goes on to state that the Government is looking at a variety of reforms in order to promote investment so as to replace aging infrastructure.

4.7 Paragraphs 2.2.20 - 2.2.26 of EN-1 deal with the 'security of energy supplies'. Paragraph 2.2.20 states that it is critical that the UK continues to have secure and reliable supplies of electricity as it makes the transition to a low carbon economy. Furthermore, that to manage the risks to achieving security of supply the UK needs:

- Sufficient electricity capacity to meet demand at all times, including a 'safety margin of spare capacity' to accommodate unforeseen fluctuations in supply or demand.
- Reliable associated supply chains (for example, fuel for power stations) to meet demand as it rises.
- A diverse mix of technologies and fuels (and fuel supply routes), so that it does not rely on any one technology or fuel.

4.8 Part 3 of EN-1 'The need for new nationally significant energy infrastructure' defines and sets

out the 'need' that exists for nationally significant energy infrastructure. Paragraph 3.1.1 states that the UK needs all the types of energy infrastructure covered by EN-1 (this covers a range of electricity generating capacity, including gas) in order to achieve energy security. Paragraph 3.1.2 goes on to state that it is for industry to propose new energy infrastructure and that the Government does not consider it appropriate for planning policy to set targets for or limits on different technologies.

4.9 Notably, paragraph 3.1.3 stresses that the SoS should assess applications for development consent for the types of infrastructure covered by the energy NPSs "…on the basis that the Government has demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need…" is as described for each of them. Paragraph 3.1.4 continues that the SoS should give substantial weight to the contribution that all proposed developments would make toward satisfying this need when considering applications under the PA 2008.

4.10 As such, the need that exists for new energy infrastructure is not open to debate or interpretation and is clearly confirmed by EN-1.

4.11 Section 3.3 of Part 3 of EN-1 sets out why the Government believes that there is an urgent need for new electricity infrastructure, including:

- Meeting energy security and carbon reduction objectives - the need to ensure there is sufficient electricity generating capacity to meet maximum peak demand, with a safety margin of spare capacity to accommodate unexpectedly high demand and to mitigate risks such as unexpected plant closures and extreme weather events; and a diverse mix of power generation to reduce reliance on any one type of generation or source of fuel or power.
- The need to replace closing electricity generating capacity - at least 22 GW of existing electricity generating capacity will need to be replaced in the coming years, particularly by the end of the decade, as a result of tightening environmental regulation and aging power stations (in particular the closure of coal-fired stations); in addition to this about 10 GW of nuclear generating capacity is expected to close over the next 20 years.
- The need for more electricity capacity to support the increased supply from renewables - decarbonisation of electricity generation is reliant on a dramatic increase in the amount of renewable energy; however, some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity the UK has, the more generation capacity it will require overall to provide back up at times when the availability of renewable sources is low - with regard to this it is important to note that EN-1 recognises that there will still be a role for fossil fuel generation to provide a cost-effective means of 'back up' electricity generation at short notice to support renewable technologies.
- Future increases in electricity demand - even with major improvements in overall energy efficiency, it is expected that demand for electricity will increase, as significant sectors of energy demand (such as industry, heating and transport) switch from being powered by fossil fuels to using electricity. As a result of this, total electricity consumption could double by 2050 and, depending upon the choice of how electricity is supplied, total capacity may need to more than double to be sufficiently robust to all weather conditions.

4.12 Paragraphs 3.3.15 - 3.3.24 of EN-1 deal with the urgency of the need for new electricity generating capacity. Paragraph 3.3.15 states that in order to secure energy supplies that enable the UK to meet its climate change obligations to 2050, there is an urgent need for new energy infrastructure to be brought forward as soon as possible, and certainly in the next 10-15 years.

4.13 Paragraph 3.3.23 confirms that the Government believes (based on predictions) that it is prudent, in order to minimise the risk to energy security and resilience, to plan for a minimum need of 59 GW of new electricity generating capacity by 2025. The Government would like to see a significant proportion of the balance come from low carbon generation (paragraph 3.3.22).

THE ROLE OF FOSSIL FUEL GENERATING STATIONS

4.14 Section 3.3 (paragraph 3.3.4) of EN-1 highlights the benefits of having a diverse mix of all types of power generation:

"It means we are not dependent on any one type of generation or one source of fuel of power and so helps to ensure security of supply… the different types of electricity generation have different characteristics which can complement each other….

4.15 With regard to fossil fuel generating station, paragraph 3.3.4 states that this:

"…can be brought on line quickly when there is a high demand and shut down when demand is low, thus complementing generation from nuclear and the intermittent generation for renewables…"

4.16 EN-1 therefore recognises the continuing role of fossil fuel generation in terms of complementing other types of generation, notably renewables, providing resilience in the UK's energy system and ensuring the security of electricity supplies.

4.17 Section 3.6 of EN-1 deals specifically with the role of fossil fuel electricity generation. Paragraph 3.6.1 states:

"Fossil fuel power stations play a vital role in providing reliable electricity supplies: they can be operated flexibly in response to changes in supply and demand, and provide diversity in our energy mix. They will continue to play an important role in our energy mix as the UK makes the transition to a low carbon economy, and Government policy is that they must be constructed, and operate, in line with increasingly demanding climate change goals.

4.18 Paragraph 3.6.2 recognises that gas will continue to play an important role in the electricity sector, providing vital flexibility to support the increasing amount of low carbon generation and to maintain security of supply. It goes on to highlight that the UK gas market has diversified its sources of supply of gas in recent years, so that at it becomes more import dependent, companies supplying the market are not reliant on one source of supply. This protects the UK market from disruptions to supply.

4.19 Paragraph 3.6.3 confirms that some of the new conventional generating capacity needed in the UK is likely to come from new fossil fuel generating capacity in order to maintain security of supply and to provide flexible back-up for intermittent renewable energy, particularly from wind. It does however note that fossil fuel generation produces atmospheric emission of carbon dioxide but that the amount produced, depends, amongst other things, on the type of fuel and the design of and age of the power station. It goes on to state that at present coal typically produces about twice as much carbon dioxide as gas per unit of electricity generated but that new technology (carbon capture and storage) offers the prospect of reducing the carbon dioxide emissions of both fuels at a level where, whilst retaining their existing advantages, they can also be regarded as low carbon energy sources.

4.20 The continuing need for fossil fuel generation is confirmed at paragraph 3.3.8 of EN-1, as follows:

"… a number of fossil fuel generating stations will have to close by the end of 2015. Although this capacity may be replaced by new nuclear and renewable generating capacity in due course, it is clear that there must be some fossil fuel generating capacity to provide back-up for when generation from intermittent renewable generating capacity is low and to help with the transition to low carbon electricity generation. It is important that such fossil fuel generating capacity should become low carbon, through development of CCS, in line with carbon reduction targets. Therefore there is a need for CCR [carbon capture ready] fossil fuel generating stations…"

SUMMARY

4.21 EN-1 clearly confirms the 'need' that exists for all types of nationally significant energy infrastructure, including new fossil fuel generating stations that are carbon capture ready ('CCR'); and makes clear that the SoS should assess applications on the basis that this 'need' and its scale and urgency has been proven. Furthermore, that the SoS should give substantial weight to the contribution that all developments would make toward satisfying this need. As such, the need that exists for new electricity generating infrastructure, such as that proposed, is not open to debate or interpretation.

4.22 EN-1 also recognises that even with the move to a low carbon economy, the UK will continue to rely on fossil fuels as part of its energy mix for decades to come. In this respect, fossil fuel generating stations have a vital role to play in adding to the security, diversity and resilience of the UK electricity supplies. Not least, they ensure that the country is not overly reliant on any one type of generation and can be operated flexibly, providing back-up for when generation from intermittent renewable generating capacity is low, supporting the UK's transition to low carbon electricity generation.

4.23 For the above reasons, SCU considers that the Proposed Development will make a major contribution toward addressing the need that exists for new electricity generating capacity in the UK and that it will add to the security, diversity and resilience of UK electricity supplies and support to transition to low carbon electricity generation.

5 THE ASSESSMENT OF THE PROPOSED DEVELOPMENT AGAINST POLICY

5.1 This section provides an assessment of the Proposed Development against policy, notably the relevant NPSs, given that Section 104 of the PA 2008 requires the SoS to determine applications for NSIPs in accordance with the relevant NPSs.

5.2 The assessment of the Proposed Development against the NPSs has been structured so as to follow the relevant 'assessment principle' and 'generic impact' headings set out in EN-1 and also to take account of the 'assessment and technology specific considerations' contained within EN-2, EN-4 and EN-5 in relation to fossil fuel generating stations, gas pipeline infrastructure and electricity transmission infrastructure, where these are not covered by the assessment principles and generic impacts of EN-1. Each heading references the relevant part or section of the NPSs.

5.3 Although the focus of this section is principally upon conformity with the NPSs (as these are the primary basis for decisions on NSIPs by the SoS); the Applicant has also had regard to the compliance of the Proposed Development with relevant policies contained within the NPPF and the local development plan for the area, given that such policies may be considered to be both 'important and relevant'.

CONFORMITY WITH THE NPSS

5.4 An assessment of the conformity of the Proposed Development with EN-1, EN-2, EN-4 and EN-5 is provided below in respect of the relevant assessment principles, generic impacts and assessment and technology specific considerations.

ASSESSMENT PRINCIPLES

5.5 Part 4 of EN-1 sets out 'General points' that the SoS should take into account in decision-making on NSIPs, in addition to a number of key assessment principles that both applicants and the SoS should have regard to in preparing and determining applications for development consent.

5.6 The majority of the assessment principles in EN-1 are of relevance to most types of nationally significant energy infrastructure. A number of these are also referred to within EN-2, EN-4 and EN-5 in relation to the types of technology that are covered by them in 'assessment and technology-specific information' and where that is the case they are also dealt with below and the relevant part of the NPS is referenced.

GENERAL POINTS (EN-1, 4.1)

5.7 EN-1 'General points' (paragraph 4.1.2) reiterates the urgency of the 'need' for the types of infrastructure covered by the energy NPSs and again confirms that the SoS should start with a presumption in favour granting development consent for energy NSIPs.

5.8 Paragraph 4.1.3 goes on to state that in considering applications for energy NSIPs, and in particular, when weighing their adverse impacts against their benefits, the SoS should take into account:

- the potential benefits including the contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and

- the potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.

5.9 Paragraph 4.1.4 goes on to state that in this context, the SoS should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels.

5.10 With regard to this, this Planning Statement at Section 6 provides an assessment of the key benefits and adverse impacts of the Proposed Development. It shows that the Proposed Development would have a number of substantial benefits and that these clearly outweigh its limited adverse impacts.

5.11 Paragraph 4.1.5 confirms that matters that the SoS may consider both 'important and relevant' to decision making on energy NSIPs may include local development plan documents. However, in the event of a conflict between these or any other documents and a NPS, the NPS prevails.

5.12 In respect of the above, this section of the Planning Statement provides an assessment of the compliance of the Proposed Development with local planning policy. This demonstrates that the Proposed Development does not conflict with local planning policy.

5.13 Paragraph 4.1.7 confirms that the SoS should only impose 'requirements' in relation to a development consent where these satisfy relevant guidance and are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable in all other respects.

5.14 SCU has included a number of requirements within the draft DCO (Application Document Ref. 2.1) that, amongst other matters, are intended to control the detailed design of the Proposed Development in addition to its construction and operation in order to ensure that it accords with the EIA carried out and does not result in unacceptable impacts. In preparing the draft requirements the Applicant has had regard to other relevant DCOs and relevant guidance; notably that contained within the NPPF (paragraphs 203-206) and the Planning Practice Guidance ('PPG') ('Use of planning conditions'). The requirements are contained at Schedule 2 of the draft DCO and their intended purpose is explained within the Explanatory Memorandum (Application Document Ref. 2.2).

5.15 Paragraph 4.1.8 states that SoS may take into account any development consent obligations (under Section 106 of the TCPA 1990 as amended by Section 174 of the PA 2008) that an applicant agrees with local authorities. To be required development consent obligations must satisfy broadly similar tests to requirements; they must be relevant to planning, necessary to make the development acceptable in planning terms, directly related to the development, fairly and reasonably related in scale and kind to the development and reasonable in all other respects (NPPF - paragraphs 203-206 and the PPG 'Planning obligations').

5.16 SCU's assessment of the Proposed Development, notably through the EIA, has identified some effects that require mitigation. However, the necessary mitigation has either been embedded within the design of the Proposed Development or would be secured through the proposed requirements and therefore, taking into account the above tests, it is considered that there is no other mitigation that would warrant a development consent obligation in order to make the Proposed Development acceptable in planning terms. Chapter 17 'Mitigation Register' of ES Volume I (Application Document Ref. 6.2.17) confirms how the mitigation and commitments set out in the ES will be secured.

5.17 Paragraph 4.1.9 confirms that in bringing forward energy infrastructure, the applicant will have

made a judgement as to its financial and technical feasibility. It goes on to state that where the SoS considers, based on the information provided in the application, that financial and technical feasibility have been properly assessed, they are unlikely to be relevant to the SoS's decision-making.

5.18 With regard to the above, SCU has made a decision to proceed with the Application based on a number of commercial and financial considerations. SCU is well versed in providing vital utilities and services to major international process industry customers at the Wilton International Site. Part of Sembcorp Industries, a Singapore-based group providing energy, water and marine services globally, Sembcorp Utilities UK also owns some of the industrial development land on the near 810 hectares (2,000 acre) site which is marketed to energy intensive industries worldwide. SCU owns the land required for the Proposed Development.

5.19 The Applicant therefore has an established track record in delivering power generation and industrial projects. Paragraph 3.3.6 of EN-1 states that *"…it is for industry to propose the specific types of developments that they assess to be viable…" within the framework established by the Government.*

ENVIRONMENTAL STATEMENT (EN-1, 4.2)

5.20 EN-1 (paragraph 4.2.1) states that proposed developments that are subject to the European EIA Directive must be accompanied by an ES describing the aspects of the environment likely to be significantly affected by them. It highlights that the European EIA Directive specifically refers to effects on human beings, fauna, flora, soil, water, air, climate, the landscape, material assets and cultural heritage and the interaction between them. It goes on to state that the assessment of effects in the ES should cover direct and indirect effects, both permanent and temporary, cumulative effects, positive and negative effects and measures for avoiding or mitigating significant adverse effects.

5.21 Paragraphs 4.2.2 - 4.2.11 provide further guidance on the matters that should be covered within the ES for the purposes of SoS decision making.

5.22 The Application includes an ES (Application Document Refs. 6.1 – 6.4). In advance of preparing the ES, the Applicant obtained an EIA Scoping Opinion from the PINS in March 2017. The scope and coverage of the ES accords with the EIA Scoping Opinion and Chapter 3 'EIA Approach and Methodology ' of ES Volume I (Application Document Ref. 6.2.3) sets out how the EIA has taken into account the EIA Scoping Opinion and the technical scope of the EIA that has been undertaken.

5.23 As required by EN-1, the ES for the Proposed Development includes the following:

- An assessment of the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects for all stages of the Proposed Development, and also the measures envisaged for avoiding and mitigating any significant adverse effects. The approach taken to the assessment of environmental effects is set out at ES Volume I Chapter 2 'Assessment Methodology'. Furthermore, ES Volume I, Chapters 1 - 17 identify the likely significant effects of the Proposed Development, the mitigation measures (where required) and the residual effects. Chapter 17 'Mitigation Register' of ES Volume I (Application Document Ref. 6.2.17) sets out how that mitigation will be secured. The ES, in the assessment of effects, therefore clearly distinguishes between the different stages of the Proposed Development.
- An explanation of the components of the Proposed Development where it has not been

possible to fix details in advance of the submission of the Application and where flexibility is required, and the approach that has been taken to assessing the effects that may result - SCU has adopted the principles of the 'Rochdale Envelope' and has assessed through the EIA maximum 'worst case' dimensions and design parameters where flexibility is required. Where flexibility is required within the Proposed Development is explained in ES Volume I, Chapter 5 'Project Description and Alternatives' (Application Document Ref. 6.2.5) and, where relevant, within the relevant chapters of the ES, notably ES Volume I, Chapter 11 'Landscape and Visual Amenity (Application Document Ref. 6.2.11). The maximum dimensions and design parameters will be controlled and secured through Schedule 2 'Requirements', Requirement 4 'Detailed Design' of the draft DCO (Application Document Ref. 2.1).

- Information on the likely significant social and economic effects of the Proposed Development is provided at ES Volume I, Chapter 11 'Socio Economic Characteristics' (Application Document Ref. 6.2.12). This includes the benefits of the Proposed Development in terms of employment generation both through direct employment and wider benefits for the economy.
- ES Volume I, Chapter 16 'Summary of Cumulative and Indirect Effects' (Application Document Ref. 6.2.16) considers how the effects of the Proposed Development could combine and interact with the effects of other planned and consented Proposed Developments. The approach to assessing cumulative and combined effects is explained within Chapter 16.
- The significant effects of the Proposed Development, including after mitigation (where necessary) has been applied to reduce the significance and magnitude of those effects, are summarised in ES Volume I, Chapter 18 'Conclusions' (Application Document Ref. 6.2.18). Chapter 17 'Mitigation Register' of ES Volume I (Application Document Ref. 6.2.17) sets out how that mitigation will be secured.
- As indicated above, the draft DCO (Application Document Ref. 2.1) at Schedule 2 includes appropriate requirements to control and secure the details of the Proposed Development that are still to be finalised to ensure that it will be constructed in accordance with the EIA that has been undertaken.

HABITATS AND SPECIES REGULATIONS (NPS EN-1, 4.3)

5.24 EN-1 (paragraph 4.3.1) confirms that prior to granting development consent, the SoS must, under the Habitats and Species Regulations, consider whether a proposed development may have a significant effect on a European site, or any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans and projects. EN-1 continues that the applicant should seek the advice of Natural England ('NE') and provide the SoS with such information as may be reasonably required to determine whether an 'Appropriate Assessment' is required.

5.25 ES Volume III, Annex H includes a Habitats Regulations Assessment ('HRA') (Application Document Ref. 6.3). This includes completed Screening Matrices. The HRA found no likely significant effects on the qualifying interest features of the European sites from the Project alone, or in combination with other projects. Hence an Appropriate Assessment is not considered necessary for the Project.

ALTERNATIVES (NPS EN-1, 4.4)

5.26 Paragraph 4.4.1 confirms that as in any planning case, the relevance or otherwise to the decision-making process of the existence (or alleged existence) of alternatives to a proposed development is in the first instance a matter of law, which falls outside the scope of the NPS. It goes on,

however, to state that from a policy perspective there is no general requirement to consider alternatives or to establish whether a development represents the best option, except that:

- Applicants are obliged to include in their ES, as a matter of fact, information about the main alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.
- In some cases, there are specific legislative requirements, notably under the Habitats Directive, for the SoS to consider alternatives. These should be identified in the ES by the applicant.
- In some circumstances, the relevant energy NPSs may impose a policy requirement to consider alternatives; EN-1 does in Sections 5.3, 5.7 and 5.9 in relation to avoiding significant harm to biodiversity and geological conservation interests, flood risk and development within nationally designated landscapes, respectively.

5.27 Information relating to the main alternatives that the Applicant has considered in relation to the Proposed Development are set out at ES Volume I, Chapter 5 'Need, 'Project Description and Alternatives' (Application Document Ref. 6.2.5). This includes the alternatives considered in terms of the location for the Proposed Power Plant (Work No. 1).

5.28 With regard to the policy requirements of EN-1 to consider alternatives in particular circumstances, paragraph 5.3.7 states that as a general principle, development should aim to avoid significant harm to biodiversity and geological conversation interests, including through mitigation and consideration of reasonable alternatives; where significant harm cannot be avoided, then appropriate compensation measures should be sought.

5.29 It is considered that the assessment of alternatives in relation to biodiversity and geological conservation interests is of more relevance where development has the potential to impact upon internationally or nationally designated sites. In relation to biodiversity, the aforementioned HRA confirms that the Proposed Development is unlikely to result in significant effects on internationally or nationally designated nature conservation sites, while there are no geological interest features either within the vicinity of or at the Site as confirmed by ES Volume I, Chapter 12 'Geology, Hydrogeology and Contamination' (Application Document Ref. 6.2.12).

5.30 Paragraph 5.7.13 of EN-1 states that the consideration of alternative sites is relevant to the application of the 'Sequential Test' in relation to flood risk, with the preference in the first instance to locate development within Flood Zone 1, the zone of least probability of tidal or fluvial flooding. The Site is situated within Food Zone 1.

5.31 Paragraph 5.9.10 of EN-1 indicates that the consideration of alternatives can also be relevant where development involves land that is subject to national landscape designations, such as National Parks or Areas of Outstanding Natural Beauty. ES Volume I, Chapter 11 'Landscape and Visual Amenity' (Application Document Ref. 6.2.11) confirms that the Proposed Development Site does not lie within any national or local landscape designations nor is it within the immediate vicinity of any such designations.

5.32 The Applicant's consideration of alternatives in relation to the Proposed Development, as set out in the ES (Chapter 5) (Application Document Ref. 6.2.6), is therefore considered to be both appropriate and proportionate.

CRITERIA FOR 'GOOD DESIGN' IN ENERGY INFRASTRUCTURE (NPS EN-1, 4.5; EN-2, 2.3.15 - 2.3.16; EN-4, 2.3 AND EN-5, 2.5)

5.33 EN-1 (paragraph 4.5.1) recognises that the functionality of buildings and infrastructure, including fitness for purpose and sustainability, are as equally important as visual appearance and aesthetic considerations. It goes on to state that applying 'good design' to energy Proposed Developments should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates 'good aesthetic' as far as possible. It is however acknowledged that "…the nature of much energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of an area."

5.34 Paragraph 4.5.2 of EN-1 notes that 'good design' is also a means by which many policy objectives in the NPS can be met, for example, the impact sections (of EN-1) show how good design, in terms of siting and use of appropriate technologies can help mitigate adverse impacts such as noise.

5.35 Paragraph 4.5.3 confirms that in assessing applications, the SoS will need to be satisfied that energy infrastructure developments are sustainable and, having regard to regulatory and other constraints, are as attractive, durable and adaptable (including taking account of natural hazards such as flooding) as they can be. In doing so, it goes on to state that the SoS should be satisfied that:

"..the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible. Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, landform and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area."

5.36 Paragraph 4.5.4 stresses the importance of applicants being able to demonstrate in their application documents how the design process was conducted and how the proposed design evolved. However, it also makes clear that in considering applications, the SoS should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements, which the design has to satisfy.

5.37 EN-2 (paragraph 2.3.16) states that in relation to fossil fuel generating stations, applicants should demonstrate good design particularly in respect of landscape and visual amenity and in the design of the proposed development to mitigate impacts such as noise and vibration, transport impacts and air emissions.

5.38 EN-4 (paragraph 2.3.1) states that in relation to gas infrastructure, applicants should demonstrate good design as per section 4.5 of EN-1.

5 .39 EN-5 (paragraph 2.5.2) states that proposals for electricity network infrastructure should demonstrate good design in their approach to mitigating the potential adverse impacts that can be associated with overhead lines.

5.40 Chapter 5 of ES Volume I 'Project Description and Alternatives ' (Application Document Ref. 6.2.5) provides an explanation of how the design of the Proposed Development has evolved in the lead up to the submission of the Application. Furthermore, the individual chapters of the ES explain

how the Proposed Development has been designed, including the mitigation embedded in its design, to minimise and mitigate impacts.

5.41 Furthermore, SCU prepared a Design and Access Statement (Application Document Ref. 5.6), which sets out how it has had regard to 'good design' in respect of the Proposed Development. It describes how SCU has taken account of and appraised the Site's context and the design process that has been followed, including the broad approach that has been taken to the design of the Proposed Development and how this has changed and evolved in the period leading up to the submission of the Application and where opportunities have been taken to improve design and minimise impacts. The Design and Access Statement ('DAS') also explains where flexibility is required within the Proposed Development and how its detailed design will be secured and controlled.

5.42 The immediate context within which much of the Site sits is already very much industrialised in terms of its character and appearance. It is dominated by the large and functional industrial buildings and plant. The closest of which is the Teesside Ensus bioethanol plant, adjacent to the east of the Site; Europe's largest wheat bio refinery.

5.43 The final design of the Proposed Development is functional, reflecting its purpose to generate electricity and the context within which it will sit. In terms of siting and layout, opportunities have been taken to minimise the visual impact of the Proposed Development by locating it on a site that was previously occupied by a generating station and within an established industrial area.

5.44 The Proposed Development also incorporates appropriate access arrangements utilising the existing access to the Site from the A1053 Greystone Road, which forms part of the strategic trunk road network. The A1053 connects to the A174 to the south and A66 Tees Dock Road to the north. The A174 provides a link to the A19 to the south which in turn links to the A1 (M).

5.45 Further to the above, the Proposed Development incorporates a number of measures within its design to ensure that it will be resilient in terms of the effects of climate change as well as contributing to mitigating those effects. This includes appropriate flood risk mitigation and surface water attenuation that will assist in terms of reducing surface water run-off. Neither should it be overlooked that the Proposed Development will not only result in lower emissions than other forms of electricity generating station (coal and oil), but also be CCR having the potential to be low carbon should the deployment of CCS technology become feasible in the future.

5.46 It is therefore considered that the Proposed Development represents 'good design' for the purposes of energy infrastructure and policy set out EN-1, EN-2, EN-4 and EN-5. It should also be noted that details of the external appearance of the Proposed Development will need to be approved by the relevant planning authority under Requirement 4 of the Draft DCO.

CONSIDERATION OF COMBINED HEAT AND POWER ('CHP') (NPS EN-1, 4.6 AND EN-2, 2.3.2 - 2.33)

5.47 EN-1 (paragraph 4.6.1) confirms that CHP is the generation of useable heat and electricity in a single process. A CHP generating station may either supply steam direct to customers or capture waste heat for low-pressure steam, hot water or space heating purposes after it has been used to drive electricity generating turbines. The heat can also be used to drive absorption chillers, thereby providing cooling.

5.48 Paragraph 4.6.2 goes on to state that CHP is technically feasible for all types of thermal

generating stations. To be economically viable (paragraph 4.6.5) as a CHP plant, a generating station needs to be located close to industrial or domestic customers with heat demands. The distance will vary according to the size of the generating station and the nature of the heat demand. The provision of CHP is most likely to be cost-effective and practical where it is included as part of the initial design and is part of a mixed use development.

5.49 Paragraph 4.6.6 of EN-1 states that "…under Guidelines issued by DECC (then DTI) in 2006 [the Combined Heat and Power (CHP) Guidance], any application to develop a thermal generating station under Section 36 of the Electricity Act 1989 must either include CHP or contain evidence that the possibilities for CHP have been fully explored to inform the [Secretary of State]'s consideration of the application," and that the, "...same principle applies to any thermal power station which is subject to an application for development consent under the Planning Act 2008." It continues that the SoS should have regard to DECC's guidance or any successor to it when considering the CHP aspects of applications for thermal generating stations. Since the publication of the DECC Guidance, the Environment Agency ('EA') has published its own 'CHP Ready Guidance for Combustion and Energy from Waste Plants'.

5.50 Where CHP is not feasible, paragraphs 4.6.8 and 4.6.9 emphasise the need for applicants to demonstrate how the design of the development provides for the future provision of CHP (i.e. that it is 'CHP Ready').

5.51 EN-2 (paragraphs 2.3.2 - 2.3.3) reiterates the requirement of EN-1 for applications for generating stations to either include CHP or present evidence in the application that the possibilities for CHP have been fully explored.

5.52 SCU has assessed the feasibility of CHP in accordance with EN-1 and the EA's guidance. This assessment is reported within the Combined Heat and Power Assessment (Application Document Ref. 5.7). While the conclusions of the assessment are that CHP is not currently feasible, the Proposed Development has been designed to be 'CHP Ready' and allow routes and space for future CHP infrastructure. Furthermore, the draft DCO (Application Document Ref. 2.1), Schedule 2, includes Requirement 21 'Combined heat and power' that requires SCU to demonstrate to the planning authority (prior to the commercial use of the Proposed Development) that space and routes have been allowed for within its design for CHP infrastructure. Requirement 28 also requires SCU to maintain the space and routes and for the feasibility of CHP to be re-assessed at intervals during the lifetime of the Proposed Development.

CARBON CAPTURE READINESS ('CCR') AND CARBON CAPTURE AND STORAGE ('CCS') (NPS EN-1, 4.7 AND EN-2, 2.3.4 - 2.3.12)

5.53 Paragraph 4.7.10 of EN-1 states that to ensure that no foreseeable barriers exist to retrofitting carbon capture and storage ('CCS') equipment on combustion generating stations, all applications for new combustion plant which are of generating capacity at or over 300 MW should demonstrate that the plant is CCR before consent may be given. Furthermore, that in order to provide assurance that a proposed development is CCR, applicants will need to demonstrate that their proposal complies with the following:

5.54

- that sufficient space is available on or near the site to accommodate carbon capture equipment in the future;
- the technical feasibility of retrofitting their chosen carbon capture technology;

- that a suitable area of deep geological storage offshore exists for the storage of captured CO2 from the proposed combustion station;
- the technical feasibility of transporting the captured CO2 to the proposed storage area; and
- the economic feasibility within the combustion station's lifetime of the full CCS chain, covering retrofitting, transport and storage.

5.55 The 'Carbon Capture and Storage and Carbon Capture and Readiness Statement' (Document Reference: 5.8) has assessed CCR and confirms that sufficient land has been set aside adjacent to the Proposed Power Plant (the Proposed CCR Land - Work no. 2) to accommodate any future CCS plant, should the deployment of such technology become feasible in the future.

5.56 The Proposed Development therefore complies with EN-1 and EN-2 in that it will be CCR. Furthermore, the draft DCO (Application Document Ref. 2.1) includes Requirement 22 'CCS site', which in effect requires SCU to safeguard the Proposed CCR Land, while Requirement 32 'CCS monitoring report' requires SCU to periodically report on the feasibility of the retro-fitting of carbon capture technology.

CLIMATE CHANGE ADAPTATION (NPS EN-1, 4.8; EN-2, 2.3.13 - 2.3.14; EN-4, 2.2 AND EN-5, 2.4)

5.57 EN-1 (paragraph 4.8.5) states that new energy infrastructure will typically be a long-term investment and will need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the impacts of climate change, such as potential for increased flooding, when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure. The ES should set out how the proposal will take account of the proposed development's impact of climate change.

5.58 EN-2 (paragraph 2.3.13) notes that as fossil fuel generating stations are likely to be proposed for coastal or estuarine sites and climate change is likely, for example, to increased risks from flooding or rising sea levels; applicants should in particular set out how the proposal would be resilient to coastal changes and increased risk from tidal and storm surge; the effects of higher temperatures, including higher temperatures of cooling water, and increased risk of drought leading to a lack of available cooling water.

5.59 EN-4 (paragraph 2.2.2) states that gas pipelines and other infrastructure should be resilient to increased risk of flooding; effects of rising sea levels and increased risk of storm surge; higher temperatures; increased risk of earth movement or subsidence from increased risk of flooding and drought; and any other increased risks identified in the applicant's assessment.

5.60 EN-5 (paragraph 2.4.1) refers to the need to consider the effects of flooding, particularly upon substation infrastructure, winds and storms on overhead lines, higher temperatures leading to increased transmission losses and earth movement or subsidence caused by flooding or drought on underground cables.

5.61 ES Volume I, Chapter 6 'Geology, Hydrology and Contamination' (Application Document Ref 6.2.6), ES Volume II, Annex C 'Flood Risk Assessment' (Application Document Ref 6.3) and ES Volume II, Annex E3 'Greenhouse Gas and Climate Change' (Application Document Ref 6.3) considers the potential effects of climate change and flooding in relation to the Proposed Development. These conclude that the Proposed Development will not increase the risk of flooding from drainage infrastructure, artificial, groundwater or surface water sources.

5.62 The draft DCO (Application Document Ref. 2.1) includes Requirements 13 'Surface and foul water drainage – operational' which requires the approval of details in accordance with the ES in relation to drainage.

5.63 It is therefore considered that the Proposed Development will make a significant contribution toward mitigating the effects of climate change, while its design would ensure that it is resilient to the future potential effects of climate change. The Proposed Development therefore complies with the NPSs.

GRID CONNECTION (NPS EN-1, 4.9 AND EN-2, 2.2.10 - 2.2.11)

5.64 EN-1 (paragraph 4.9.1) states that the connection of a generating station to the electricity network is an important consideration for applicants. It is for the applicant to ensure there will be the necessary infrastructure and capacity within the transmission and distribution network to accommodate the electricity generated. While it is not necessary for an applicant to have received or accepted a formal grid connection offer at the time of submitting an application for a DCO and this is at the applicant's risk, the SoS will want to be satisfied that there is no obvious reason why a grid connection would not be possible.

5.65 EN-2 (paragraphs 2.2.10 - 2.2.11) highlights that the technical feasibility of the export of electricity from a generating station is dependent on the capacity of the grid network together with the voltage and distance of the connection. Furthermore, applicants will usually have assured themselves that a viable connection exists before submitting an application for a DCO and where they have not done so they take a commercial risk. Even if the precise route of a connection has not been identified, in accordance with Section 4.9 of EN-1 any application must include information on how the generating station is to be connected and whether there are any particular environmental issues likely to arise from that connection.

5.66 The Proposed Development will connect to the existing NG electricity substation at the Site via underground electrical cables. The Electricity Grid Connection Statement (Application Document Ref. 5.2), which forms part of the Application (provided pursuant to APFP Regulation 6(1)(a)(i)) demonstrates that a connection to the existing NG substation is technically feasible and also sets out who will be responsible for designing, building and operating the Proposed Electricity Grid Connection.

5.67 Although EN-1 does not deal with the connection of a generating station to the gas network, it is relevant to mention that the Application also includes a Gas Connection Statement (Application Document Ref. 5.3) provided pursuant to APFP Regulation 6(1((a)(ii)), which demonstrates the feasibility of connecting to the NTS and also provides information on who will be responsible for designing, building and operating the Proposed Gas Connection, including details of the name, owner, start and end point, length in kilometres and external diameter of the pipeline, what will be conveyed by the pipeline (natural gas) and whether the grant of any rights in land or consents to road or river crossing works are required and if so whether they can be obtained by agreement.

POLLUTION CONTROL AND OTHER ENVIRONMENTAL REGULATORY REGIMES (NPS EN-1, 4.10)

5.68 Section 4.10 of EN-1 (paragraph 4.10.1) advises that issues relating to discharges or emissions which affect air quality, water quality, land quality or noise and vibration may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes.

5.69 Paragraph 4.10.3 states that in considering an application for development consent, the SoS should focus on whether the development itself is an acceptable use of the land, and on the impacts of that use, rather than the control of processes, emissions and discharges themselves. The SoS should work on the basis that the relevant pollution control regime and other environmental regulatory regimes will be properly applied and enforced by the relevant regulator.

5.70 Paragraph 4.10.5 notes that many proposed developments covered by EN-1 will be subject to the Environmental Permitting ('EP') regime. Paragraph 4.10.6 advises applicants to make early contact with relevant regulators, such as the EA, to discuss their requirements for EPs and other consents. This will ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the SoS. Where possible, applicants are encouraged to submit applications for EPs and other necessary consents at the same time as applying to the SoS for development consent.

5.71 The 'Other Consents and Licences' document (Application Document Ref. 5.4) lists those consents and licences that are required for the Proposed Development that are being/will be advanced separately of the DCO Application. These include the Environmental Permit for the operation of the Proposed Power Plant.

5.72 There has been regular dialogue with the EA during the pre-application process, including sharing of draft air and noise impact assessments and providing to the EA a Best Available Techniques ('BAT') Assessment for the choice of cooling technology for the Proposed Power Plant, in order to ensure that appropriate technologies were retained within the DCO and assessed within the ES.

5.73 The Other Consents and Licences (Application Document Ref. 5.4) document sets out the position with regard to obtaining the consents required for the Proposed Development under other regulatory regimes. The document will be updated during the examination of the Application.

5.74 It is relevant to note that the draft DCO (Application Document Ref. 2.1) includes a number of requirements that would have the purpose of controlling the effects of the Proposed Development in terms of discharges and emissions during its construction and operation in order to prevent pollution and safeguard amenity. These includes Requirements 10 'Contaminated land and groundwater', 13 'Construction and environmental management plan', 16 'Surface and foul water drainage - operational' and 19 'Control of noise during operational phase'.

SAFETY (NPS EN-1, 4.11 AND EN-4, 2.5)

5.75 EN-1 paragraph 4.11.1 states that the Health and Safety Executive ('HSE') is responsible for enforcing a range of health and safety legislation, some of which is relevant to the construction, operation and decommissioning of energy infrastructure. Applicants should consult with the HSE on matters relating to safety.

5.76 Paragraph 4.11.2 confirms that some energy infrastructure will be subject to the 'Control of Major Accident Hazards' ('COMAH') Regulations 1999. These are aimed at preventing major accidents involving dangerous substances and limiting the consequences to people and the environment of any that do occur.

5.77 ES Volume I, Chapter 15 'Major accidents' (Application Document Ref. 6.2.15) presents an assessment of the major accidents that could be associated with the construction and operation of the Proposed Development.

HAZARDOUS SUBSTANCES (NPS EN-1, 4.12 AND EN-4, 2.4)

5.78 EN-1, paragraph 4.12.1, confirms that all establishments wishing to hold stocks of certain hazardous substances above a certain threshold need 'Hazardous Substances Consent' ('HSC'). Applicants should consult the HSE at the pre-application stage if a proposed development is likely to need such consent.

5.79 SCU has reviewed substances that will be stored in connection with the Proposed Development and has determined that HSC is not necessary.

HEALTH (NPS EN-1, 4.13)

5.80 Section 4.13 of EN-1 highlights that energy production has the potential to impact on the health and well-being of the population (paragraph 4.13.1) and that where the Proposed Development has the potential to result in effects on human beings, the ES should assess those effects for each element of the proposed development, identifying any adverse health impacts and measures to avoid, reduce or compensate the impacts as appropriate (paragraph 4.13.2).

5.81 ES Volume I includes a chapter (Chapter 14 - Application Document Ref. 6.2.14) on human health. The chapter summarises the health-related effects described elsewhere within the ES, notably the chapters relating to emissions to air and noise and vibration, and also includes an assessment relating the effects of electro-magnetic fields ('EMFs') in respect of the electricity connection in accordance with guidance contained in EN-5.

5.82 The chapter does not identify any significant residual health effects associated with the Proposed Development taking account of the implementation of mitigation measures, either embedded within the design of the Proposed Development or secured through requirements within the DCO (Application Document Ref. 2.1).

5.83 With regard to EMFs, as the National Grid substations already exist at the Site, there will be no new EMF effects associated with the Proposed Development. Measures will be implemented to protect operational staff from potential EMF effects associated with the existing substation. With the appropriate precautions in place, no significant health effects in the medium to long-term for operational staff are predicted.

COMMON LAW NUISANCE AND STATUTORY NUISANCE (NPS EN-1, 4.14)

5.84 Paragraph 4.14.2 of EN-1 states that it is very important that, at the application stage of an energy NSIP, possible sources of nuisance under Section 79(1) of the Environmental Protection Act ('EPA') 1990, and how they may be mitigated or limited are considered by the SoS so that appropriate requirements can be included in any subsequent order granting development consent. There is also a requirement to provide such a statement under APFP Regulation 5(2)(f).

5.85 SCU has therefore prepared a Statutory Nuisance Statement (Application Document Ref. 5.9) pursuant to Section 79(1) of the EPA in order to satisfy the requirements of APFP Regulation 5(2)(f). The Statement identifies the sources where there is the potential for the Proposed Development to result in nuisance and the measures to prevent and mitigate such nuisance occurring.

5.86 Article 9 of the draft DCO (Application Document Ref 2.1) 'Defence to proceedings in respect of statutory nuisance' seeks to provide SCU with a defence to statutory nuisance proceedings under the EPA in respect of noise emitted from premises so as to be prejudicial to health or a nuisance. The draft DCO (Application Document Ref. 2.1) also includes a number of requirements

that would mitigate and limit potential nuisances, including Requirements 13 'Construction and environmental management plan' and 19 'Control of noise during operational phase'.

SECURITY CONSIDERATIONS (NPS EN-1, 4.15)

5.87 Paragraph 4.15.1 states that national security considerations apply across all national infrastructure sectors. Overall responsibility for security of the energy sector lies with BEIS. Paragraph 4.15.2 goes on to state that Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure at an early stage. Where applications for development consent for infrastructure relate to potentially critical infrastructure, there may be national security considerations.

5.88 The Proposed Power Plant will be located on land within the operational area of the Wilton International Site, which is already a securely managed site. Furthermore, details of security will be secured by Requirement 6 'Fencing and means of enclosure' of the draft DCO (Application Document Ref. 2.1).

GENERIC IMPACTS

5.89 The 'generic impacts' set out in Part 4 of EN-1 are considered below in Table 5.1. Where the same impacts appear in the 'assessment and technology-specific information' parts of EN-2, EN-4 and EN-5 they are also dealt with below and the relevant part of the NPS is referenced.

Table 5.1 - Generic Impacts

Generic Impact	Summary	Assessment
Air quality and emissions (EN-1, 5.2 & EN-2, 2.5)	EN-1 acknowledges that air quality and emissions are likely to be a key area of concern when assessing the development of generating stations. Paragraph 5.2.4 of NPS EN-1 states: "Emissions from combustion plants are generally released through exhaust stacks. Design of exhaust stacks, particularly height, is the primary driver for the delivery of optimal dispersion of emissions and is often determined by statutory requirements". Paragraphs 5.2.6 and 5.2.7 of EN-1 set out the requirements for applicants to assess issues relating to air quality and emissions as part of an ES. EN-1 states that the ES should describe: • any significant air emissions, their mitigation and any residual effects distinguishing between the Proposed Development stages and taking account of any significant emissions from any road traffic generated by the Proposed Development; • the predicted absolute emission levels of the proposed Development, after mitigation methods have been applied; • existing air quality levels and the relative change in air quality from existing levels; and • any potential eutrophication impacts. Paragraph 5.2.9 states that air quality considerations will be given substantial weight where a Proposed Development would lead to deterioration in air quality in an area, or leads to a new area where air quality breaches any national air quality limits. Air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits. Paragraph 5.2.10 requires decisions to take account of any relevant statutory air quality limits. Where the limits would be breached, developers should work with the relevant authorities to secure appropriate mitigation measures to allow the proposal to proceed. Consideration should be given whether mitigation measures are needed for both operational and construction emissions. A construction management plan may help codify mitigation. EN-2 (paragraph 2.5.5) confirms that the applicant should carry out an assessment as required by EN-1, consulting the Environment Agency ('EA') and other statutory consultees. Paragraph 2.5.6 goes on to state that in considering whether to grant consent, the SoS should take account of likely environmental impacts resulting from air emissions and that in the case of SOX, NOX or particulates it follows the advice in EN-1 on interaction with the EA's regulatory processes.	Chapter 7 'Air Quality' of ES Volume I (Application Document Ref. 6.2.7) provides an assessment of the effects of the Proposed Development in terms of air quality. The scope of the assessment includes construction and decommissioning emissions (dust, emissions from non-road mobile plant and from construction traffic), and process emissions from the Proposed Power Plant when operational. Operational traffic was screened out of the assessment as it will be significantly below the criteria set out in the Design Manual for Roads and Bridges 'DMRB' requiring an air quality assessment. Chapter 7 identifies the nearest sensitive receptors in air quality terms and defines the study areas used for the assessments of construction and process emissions in terms of human health and ecological receptors. Construction emissions will be controlled in accordance with industry best practice and this will be secured through a Construction Environmental Management Plan ('CEMP'). A CEMP will need to be developed and approved by RCBC in accordance with Requirement 13 of the draft DCO (Application Document Ref. 2.1). There are no significant effects from emissions associated with construction traffic, on any road during any phase of the construction works. If unmitigated, there are potentially significant effects associated with dust emissions at nearby existing industrial facilities and, if the development is phased, on the phase 1 CCGT itself during construction of the phase 2 CCGT. As such mitigation measures are recommended to control these emissions; residual effects are considered to be, at worst, minor and likely not significant. During the operational phase, in terms of human health there are no significant effects at the large majority of receptors. There is predicted to be one effect of moderate significance. However, the air quality standard is not exceeded or approached and effects are not significant for the large majority of locations. There are no significant effects on sensitive ecological receptors. In terms of European and nationally designated sensitive ecological receptors, the contributions by the Proposed Development to impacts at all receptor locations are insignificant for all pollutants and impacts of interest. The contributions from the Proposed Development at the two Local Wildlife Sites in the vicinity are also insignificant. Overall, no specific mitigation is required above and beyond that inherent in good design according to BAT. During the decommissioning phase, if unmitigated, there are potentially significant effects associated with dust emissions and deposition at any nearby industrial premises that might be close to the Site boundary at that time, noting that existing human receptors are too distant to be impacted. As such mitigation measures are recommended to control these emissions; residual effects are considered to be, at worst, minor and likely not significant. It is therefore considered that the air quality impacts associated with the Proposed Development are acceptable.

Generic Impact	Summary	Assessment
Biodiversity and geological conservation (EN-1, 5.3, EN-4, 2.21 and EN-5, 2.7)	Paragraph 5.3.18 of EN-1 states that during construction appropriate mitigation measures should be included to ensure that activities will be confined to the minimum areas required for the works and to ensure that the risk of disturbance or damage to species is minimised. Paragraph 5.3.18 of EN-1 also states that, during operation, appropriate mitigation measures should be included to ensure that the risk of disturbance or damage to species is minimised. Development should aim to avoid significant harm to biodiversity and geological conservation interests through mitigation and consideration of reasonable alternatives. EN-5 (Section 2.7) considers the affects that electricity network infrastructure can have on biodiversity, especially birds. Paragraph 2.7.2 requires the applicant to consider any such possible impacts, particularly on feeding and hunting grounds, migration corridors and breeding grounds.	ES Volume III, Annex H includes a Habitats Regulations Assessment ('HRA') (Application Document Ref. 6.4). This includes completed Screening Matrices. The HRA confirms that the Proposed Development is unlikely to result in significant effects on internationally or nationally designated nature conservation sites. Chapter 9 'Ecology' of ES Volume I (Application Document Ref. 6.2.9) provides an assessment of the potential effects of the Proposed Development upon ecology. The assessment has been informed by a desk based summary to identify nature conservation designations, protected and notable habitats and species. Taking account of the development design and impact avoidance measures that will be employed no significant adverse effects are predicted in relation to ecology. The assessment concludes that the Site has negligible ecological value for habitats and species of flora and fauna. No significant effects are predicted. Furthermore, there will be no significant effects on off-site habitats due to changes in air quality, nitrogen deposition and acid deposition. No specific mitigation is therefore required, as all the effects of the Proposed Development are not significant. A draft CEMP (Application Document Ref. 6.3 – Annex L) has been prepared and will be developed to include standard mitigation and good practice in relation to advice on construction with regards to nesting birds and mammals. There are no geological interest features within the Site or within its vicinity. It is therefore considered that the impacts on ecology and geology associated with the Proposed Development are acceptable. It should also be noted that the National Grid substations already exist at the Site.
Civil and military aviation and defence interests (EN-1, 5.4)	EN-1, Section 5.4 notes that civil and military aerodromes and aviation technical sites, as well as other types of defence interests can be affected by new energy developments.	The draft DCO includes Requirement 17 'Air safety' relating to the provision of appropriate lighting on the emissions stack and a requirement for SCU to provide the necessary information to the Defence Geographic Centre of the MoD to ensure that the Proposed Development is charted, as required, upon relevant aviation maps.
Dust, odour, artificial light, smoke, steam and insect and vermin infestation (EN-1, 5.6 and EN-2, 2.8)	NPS EN-1 acknowledges that the construction / demolition, operation and decommissioning of energy infrastructure has the potential to affect air quality through the release of odour, dust, steam, smoke, artificial light and insect infestation. Paragraph 5.6.5 of EN-1 provides advice regarding the assessment of these impacts. It is advised that the assessment should describe: • the type, quantity and timing of emissions; • aspects of the development which may give rise to emissions; • premises or locations that may be affected by the emissions; • effects of the emissions on identified premises or locations; and • measures to be employed in preventing or mitigating the emissions. Paragraph 5.6.7 of EN-1 states that, in decision making, the SoS should be satisfied that an assessment of the potential effects in respect of artificial light, dust, odour, smoke, steam and insect infestation has been carried out; and be satisfied that all reasonable steps have been taken to minimise any detrimental impacts.	Dust has been addressed earlier in this table. In terms of artificial light, there will be lighting associated with the Proposed development during both construction and operation. SCU will employ measures to minimise the level of artificial light during construction, whereas during operation only the Proposed Power Plant will be lit. Requirement 5 'External lighting' of the draft DCO (Application Document Ref. 2.1) requires SCU to obtain approval of all external lighting to be used during construction and operation from the relevant planning authority. The Proposed Development will not have impacts in terms of odour or insect and vermin infestation, which are more relevant considerations to waste processing facilities. In terms of smoke and steam, during construction any such emissions will be controlled through the CEMP. In terms of operation, Chapter 7 'Air Quality' of ES Volume I (Application Document Ref. 6.2.7) assesses the potential for visible plumes. It concludes that visible plumes will occur rarely, less than 1% of the year, and when they do will rarely exceed the confines of the Site boundary. It is therefore considered that the impacts relating to dust, odour, artificial light, insect and vermin are acceptable.

Generic Impact	Summary	Assessment
Flood risk (EN-1, 5.7 and EN-5, 2.4.1)	Paragraph 5.7.4 of EN-1 requires that applications for energy Proposed Developments of 1 hectare or greater in Flood Zone 1 in England or Zone A in Wales and all proposals for energy Proposed Developments located in Flood Zones 2 and 3 in England should be accompanied by a Flood Risk Assessment ('FRA'). Similar considerations apply in relation to substations that are vital for the electricity transmission and distribution network (EN-5, paragraph 2.4.1).	The Site is located within Flood Zone 1 (low risk), as defined by the Environment Agency. The Proposed Development will not increase the risk of flooding off-site because the drainage and landscape design will follow appropriate guidance to attenuate and control run-off rates from the Site. It follows that no significant effects are predicted. Please refer to ES Volume III, Annex C 'Flood Risk Assessment' (Application Document Ref. 6.3) for more detail.
Historic environment (EN-1, 5.8)	Section 5.8 of EN-1 acknowledges that the construction, operation and decommissioning of energy infrastructure has the potential to result in adverse impacts on the historic environment. Paragraph 5.8.8 requires applicants to provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance. Where a development site affects, or possibly includes heritage assets with an archaeological interest, the applicant should carry out an appropriate desk-based assessment. The extent of the impact of the proposed development on the significance of any heritage asset affected should be able to be adequately understood from the application documents. Paragraph 5.8.11 states that the SoS should assess the significance of any heritage asset that may be affected by the proposed development, taking account of: • evidence provided with the application; • any designation records; • the Historic Environment Record; • the heritage assets themselves; • the outcome of consultations with interested parties; and • where appropriate, expert advice.	The ES confirms that the information assessed to date provides no indication that there are any subsurface archaeological remains from any period at the Site. Furthermore, given the level of ground disturbance on the site since 1990, the assessment concludes that there is low/nil potential for the survival of archaeological remains, which would have been either severely truncated or completely destroyed by modern development. The ES also confirms, in terms of cultural heritage in the surrounding area, that of all the assets the defensive site at Eston Nab is the most likely to be affected by the Project. However, the vista from Eston Nab is dominated by the existing heavily industrialised nature of the Teesside landscape. The level of effect on the Eston Nab site is considered to be minor and therefore not significant. It is therefore considered that the cultural heritage impacts associated with the Proposed Development are acceptable. Please refer to ES Volume I, Chapter 12 'Archaeology and cultural heritage' (Application Document Ref. 6.2.12) for more detail.

Generic Impact	Summary	Assessment
Landscape and Visual (EN-1, 5.9, EN-2, 2.6, EN-4, 2.21 and EN-5, 2.8)	Section 5.9 of EN-1 states that adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, materials and design, and landscaping schemes. Paragraph 5.9.15 states that the SoS should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits of the Proposed Development. Paragraph 5.9.17 states that the SoS should consider the design of the Proposed Development, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation. Paragraph 5.9.18 recognises that all proposed energy infrastructure is likely to have visual effects for receptors around proposed sites; however, in determining proposals, a judgement is to be made as to whether the visual effects on sensitive receptors outweigh the benefits of the Proposed Development. Section 2.6 of EN-2 sets out the landscape and visual considerations in relation to fossil fuel generating stations, recognising that many of the main structures (e.g. boiler and turbine halls and emissions stacks) are large and will have an impact upon the surrounding landscape and visual amenity. Paragraph 2.6.3 states that applicants should include a Landscape and Visual Impact Assessment ('LVIA') as part of the ES and consider the design of the plant and materials to be used, including the visual impact of the stack. In terms of SoS decision-making, paragraph 2.6.5 highlights that it is not possible to eliminate the visual impacts associated with fossil fuel generating stations and so the focus should be on minimising impacts as far as it reasonably practicable. EN-4 (paragraph 2.21.1) states that applicants should include an assessment of the landscape effects of proposed pipelines and the main alternative routes considered. The application should also set out proposals for the reinstatement of the pipeline route after construction as close to its original state as possible. EN-5 paragraph 2.8.4 requires applicants to give appropriate consideration to undergrounding electrical connections as a way of mitigating landscape and visual impacts.	Chapter 11 'Landscape and Visual Amenity' of ES Volume I (Application Document Ref. 6.2.11) provides an assessment of the effects of the Proposed Development on landscape character and visual amenity. The study area for landscape and visual effects includes areas where it is considered that there is potential for significant direct or indirect effects on landscape character or sensitive views due to the construction, operation and decommissioning stages of the Proposed Development. The baseline environment is already industrial with a number of infrastructural elements in the vicinity of the Site. These include the existing Ensus Plant, pylons and transmission lines, and road networks. The key impact is from the heat recovery steam generators housing and from the stacks. However, it is important to note that the Proposed Development is located on the site of a similarly sized (former) power station (now demolished, with demolition works ceasing as recently as 2015). Residual effects range from not significant to minor to moderate and will reduce over time as the Proposed Development is within a large industrial area and adjacent to an existing Ensus Bioethanol Plant, together with a number of industrial elements to the north-north west continuing clockwise round to the east of the Site. It is therefore considered that the landscape and visual impacts associated with the Proposed Development are acceptable. It should also be noted that the electricity and gas connections already exist at the Site.
Land use including open space, green infrastructure and Green Belt (EN-1, 5.10)	EN-1 notes at Section 5.10 that as energy infrastructure Proposed Developments will have direct effects on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of development. Paragraph 5.10.3 recognises that it may not be possible for many forms of energy infrastructure to be sited on previously developed land, while paragraph 5.10.5 requires applicants to assess the effects of the proposed development on existing land uses at and near the site. Paragraph 5.10.9 requires applicants to safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place. Paragraph 5.10.9 states mitigation measures should be considered for development affecting green infrastructure to ensure the connectivity of the green infrastructure network is maintained.	The Proposed Development is located on land that is considered suitable for power generation, being previously developed land in an industrial area. It should be considered that the immediate context within which much of the Site sits is already very much industrialised in terms of its character and appearance. It is dominated by the large and functional industrial buildings and plant. The closest of which is the Teesside Ensus bioethanol plant, adjacent to the east of the Site; Europe's largest wheat bio refinery. It is therefore considered that the Site represents an appropriate location for the Proposed Power Plant. It should also be noted that there are no mineral resources on the Site and no green infrastructure is affected as the land is previously developed.

Generic Impact	Summary	Assessment
Noise and vibration (EN-1, 5.11, EN-2, 2.7, EN-4, 2.20 and EN-5, 2.9)	EN-1 (Section 5.11) requires a noise assessment for development that is likely to cause noise impacts through operational use and proximity to noise sensitive receptors. Paragraph 5.11.8 of EN-1 requires demonstration of good design through selection of the quietest cost-effective plant available; containment of noise within buildings wherever possible; optimisation of plant layout to minimise noise emissions and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission. Paragraph 5.11.9 goes on to state that developments should: • avoid significant adverse impacts on health and quality of life from noise; • mitigate and minimise other adverse impacts on health and quality of life from noise; and, • where possible contribute to improvements to health and quality of life through the effective management and control of noise. EN-2, Section 2.7 covers noise and vibration in relation to fossil fuel generating stations. Paragraph 2.7.2 confirms that the ES should include a noise assessment, while paragraph 2.7.3 states that the SoS should be satisfied that noise will be adequately mitigated through requirements. Furthermore, consideration should be given to the extent that operational noise will be controlled by the EA. EN-4 (Paragraph 20.20.1 to 2.20.5) states that the ES include an assessment of noise and vibration effects; to cover specific issues including site clearance, soil movement, ground excavation, tunnelling, trenching, pipe laying and welding, and ground reinstatement. In addition, consideration should be given to increased HGV traffic on local roads for the movement of materials. EN-5 (Paragraph 2.9.11) requires relevant assessment methodologies to assess the noise impacts from the proposed electricity network infrastructure. It goes on to state that (paragraph 2.9.12) mitigation measures that should be followed, including the positioning of lines to help mitigate noise through: • ensuring that the appropriately sized conductor arrangement is used to minimise potential noise; • quality assurance through manufacturing and transportation to avoid damage to overhead line conductors which can increase potential noise effects; and • ensuring that conductors are kept clean and free of surface contaminants during stringing/installation	The noise and vibration effects of the Proposed Development are assessed at Chapter 8 'Noise and Vibration' at ES Volume I (Application Document Ref. 6.2.8). The location of key noise sensitive receptors has been considered when assessing the effects associate with noise and vibration levels from the various phases of the Proposed Development. Key locations have been selected which are considered to be representative of the nearest and potentially most sensitive existing receptors to the Site. The Proposed Development has the potential to result in noise impacts at the closest residential receptors to the Site. These include Grangetown, Lazenby and Lackenby. The most important potential impacts are from the operation of the Proposed Power Plant which will result in noise from fixed equipment during the night when baseline noise levels are likely to be lowest. These have been mitigated by careful early layout of the Site including placing key external sources such as cooling towers as far from receptors as possible, the retention of a noise barrier which provides noise reduction to residents in Lazenby and the provision of a noise barrier on the western site boundary to reduce noise at Grangetown. On-plant mitigation such as placing key items in buildings or enclosures has also been employed. As a result of these embedded mitigation measures the resulting noise levels are not expected to result in significant noise effects. The assessment also considered noise associated within HGV on local roads and determined that this would be not significant. It should also be considered that electricity connection infrastructure at the Site is pre-existing. It is therefore considered that the noise and vibration impacts associated with the Proposed Development are acceptable.

Generic Impact	Summary	Assessment
Socio-economics (EN-1, 5.12)	Paragraph 5.12.1 on EN-1 acknowledges that the construction, operation and decommissioning of energy infrastructure may have socio-economic impacts at local and regional levels. Paragraph 5.12.3 states that the assessment within the ES should consider all relevant socio-economic impacts. Paragraph 5.12.6 confirms that SoS will have regard to the potential socio-economic impacts of new energy infrastructure. Paragraph 5.12.9 states that it should be considered whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of a development.	Chapter 13 'Socio-economic characteristics' of ES Volume I (Application Document Ref. 6.2.13) provides a socio-economic impact assessment of the Proposed Development. During construction, the Proposed Development is anticipated to result in direct investment of £700 million and employment for 98 full-time equivalent ('FTE') jobs spread over the construction period for Scenario One and employment for 131 FTE jobs spread over the construction period for Scenario Two. This will bring both direct economic and employment benefits and additional benefits arising from indirect and induced expenditure by suppliers and employees of the Proposed Development. Beneficial employment and economic effects are anticipated during construction. Through this, the Proposed Development will contribute to meeting Redcar and Cleveland's Core Strategy policy aspiration that developments at Wilton will act as drivers of the Tees Valley economy. During operation, the Proposed Development is expected to generate 247 FTE jobs (60 as a direct result of the Proposed Development and approximately 187 jobs within the local economy), bringing economic benefits through direct and indirect investment in the local, regional and national economy. In turn this will contribute towards the Tees Valley Economic Strategy which aims to create 25,000 additional jobs and attract investment of £2.8 billion into the Tees Valley economy. Beneficial employment and economic effects are therefore anticipated during operation. More broadly, operation of the Proposed Development will contribute to security of energy supply across the UK, supporting the economic and social activities which depend on a reliable, available and economic source of energy. The draft DCO includes Requirement 34 'Employment and skills plan' that is aimed at promoting employment, skills and training development opportunities for local residents during construction and employment opportunities during operation.
Traffic and transport (EN-1, 5.13 and EN-2, 2.2.5-2.2.6)	EN-1 (paragraph 5.13.3) states that if a Proposed Development is likely to have significant transport implications, the applicant's ES should include a transport assessment, using the NATA/WebTAG methodology stipulated in Department for Transport guidance, or any successor to such methodology. Applicants should also consult the Highways Agency and highways authorities as appropriate on the assessment and mitigation. Paragraph 5.13.4 requires applicants to prepare a travel plan including demand management measures to mitigate transport impacts. Paragraph 5.13.6 also requires applicants to include mitigation measures to sufficiently reduce the impact on transport infrastructure to acceptable levels. EN-2 (paragraph 2.2.5) states new fossil fuel generating stations need to be accessible for the delivery and removal of construction materials, fuel, waste and equipment and for employees, while paragraph 2.2.6 notes that the Government supports the multi-modal transportation of materials by water or rail where possible.	ES Volume I, Chapter 10 'Traffic and transport' (Application Document Ref. 6.2.10) provides an assessment of traffic and transportation. The scope and methodology of the transport work undertaken has been discussed with RCBC as highway authority and Highways England. In addition, relevant Department for Transport and other guidance has been taken into account. The assessment demonstrates that the Proposed Development, during both the construction and operational phase (Scenario One and Scenario Two), will result in no significant effects on the local or Strategic Road Network and their users. The impact on daily traffic flows would be less than 30% for both scenarios assessed, during construction and operation. Impacts on the Greystone and Westgate roundabouts would be less than 10% for both scenarios. The percentage increase of HGVs would only exceed 10% on the A1053 Greystone Road for the peak construction phase of Scenario One, which considers the single construction phase of the generating station. This road is part of the Strategic Road Network and designed to carry large volumes of traffic and HGVs. Impacts during the construction stage would be temporary. In order to promote sustainable transport, SCU will implement travel and traffic management plans during construction to minimise transport effects and encourage sustainable modes. The travel and traffic management plans are secured by Requirements 14 and 19 of the draft DCO (Application Document Ref. 2.1). Fuel will be transported to the Site by pipeline. The Site is also benefits from direct access to the A1053. It is therefore considered that traffic and transport impacts associated with the Proposed Development are acceptable.

Generic Impact	Summary	Assessment
Waste management (EN-1, 5.14)	Section 5.14 of EN-1 acknowledges that all large infrastructure Proposed Developments are likely to generate hazardous and non-hazardous waste. Paragraph 5.14.6 requires applicants to produce a Site Waste Management Plan ('SWMP') and states that the applicant should seek to minimise the volume of waste produced and the volume of waste sent for disposal. Paragraph 5.14.6 states the SoS should be satisfied that: • waste will be properly managed, both on and off site; • can be dealt with appropriately by the available waste infrastructure; and • adequate steps have been taken to minimise the volume of waste.	The Application includes a Framework Site Waste Management Plan ('FSWMP'), which deals with development design and impact avoidance in relation to waste management. The FSWMP also includes measures aimed at minimising the quantities of waste requiring disposal, including how waste will be managed during construction and the opportunities to re-use and recycle waste in accordance with the waste hierarchy. Requirements 14 and 16 of the Draft DCO (Application Document Ref. 2.1) secure the provision of detailed waste management plans to cover both construction and operation. These will be in accordance with the principles set out in the FSWMP. The effects of the Proposed Development in terms of construction and operational waste are considered to be not significant with appropriate management.
Water quality and resources (EN-1, 5.15, EN-2, 2.10 and EN-4, 2.22)	EN-1 (Section 5.15) states that, where a Proposed Development is likely to have effects on water quality and resources, an assessment should be undertaken of the impacts of the Proposed Development. Paragraph 5.15.6 states that the SoS should be satisfied that Proposed Developments have regard to the River Basin Management Plans and meet the requirement of the Water Framework Directive and related directives, including those on priority substances and groundwater. Paragraph 5.15.9 states that the risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. EN-2 (paragraphs 2.2.7 - 2.2.9) notes that generating stations have very high water demands, which means that preferred site locations are likely to be coastal or alongside large rivers to extract sufficient water.	The effect of the Proposed Development on water quality and resources is considered in Chapter 6 'Contaminated land, water resources and flood risk' of ES Volume I (Application Document Ref. 6.2.6). From a land and water resource perspective, potential effects during the construction phase of the Proposed Development are particularly focused on preventing the mobilisation of material which may affect the environment. This may be sub-soil or pre-existing contamination sources within the sub-soil. The soil and groundwater condition at the site are considered to be low risk given the presence of low permeability superficial deposits overlying mudstone. Whilst there are several minor watercourses/drainage ditches in close proximity to the site, the potential for existing contamination is limited. In relation to the Proposed Development, potential impacts during construction can be avoided and minimised through standard construction management practices, as outlined in the draft CEMP (Application Document Ref 6.3 – Annex L). During the operational phase, land quality impacts will be of lesser concern. Potential effects on the water environment are also unlikely as the Proposed Development will be constructed to make use of the existing site water disposal and drainage infrastructure, via the Wilton International Site surface water drainage system. Potential impacts during operation can be avoided and minimised through appropriate water management plans and designs for flood prevention management measures. As with the construction-related effects, demolition effects can be avoided and minimised through standard construction management practices. Given the anticipated operational life of the Proposed Development, and the ever improving standards for construction, current best practices may not be applicable at the time that the Project is decommissioned, and as such, a decommissioning plan will be produced and submitted to the appropriate authority prior to decommissioning. This is secured by Requirement 25 of the Draft DCO (Application Document Ref. 2.1). Following a review of available information, it is believed that the risks can be appropriately managed and there should be no significant effects on the ground, water resources and flooding during the construction, operation and decommissioning of the Proposed Development.

ASSESSMENT AND TECHNOLOGY SPECIFIC CONSIDERATIONS

5.98 The technology specific considerations of relevance to the Proposed Development that are contained within EN-2, EN-4 and EN-5 (and that have not already been addressed in Table 5.1 above) are considered in Table 5.2 below.

Table 5.2 - Assessment and Technology Specific Considerations

Generic Impact	Summary	Assessment
Factors influencing site selection by developers (EN-2, 2.2, EN-4, 19.7.10 - 19 and EN-5, 2.2)	EN-2, paragraph 2.2.2, notes that fossil fuel generating stations have large land footprints and will therefore only be possible where the applicant is able to acquire a suitably sized site. The site will also need to be big enough for CCS. Depending on the processes (paragraph 2.2.3) fossil fuel generating station may require storage and use of hazardous substances, which may have an impact on potential land use in the vicinity. Development of a CHP facility may also have implication for the size of site (paragraph 2.2.4). EN-2, paragraph 2.2.5, states that fossil fuel generating stations need to be accessible for the delivery of construction materials, fuel, waste and equipment and for employees. Government policy encourages multi-modal transport and materials may be transport by rail and water where possible. This will however be determined by the economics of the Proposed Development (paragraph 2.2.6). EN-2 (paragraphs 2.2.7 - 2.2.9) also highlights a number of matters relating to the demand that fossil fuel generating station may place on water resources and access to water supplies. EN-5 (paragraphs 2.2.1 – 2.2.7) sets out various considerations in relation to the selection of routes and locations for electricity infrastructure. Paragraph 2.2.2 recognises that the general location of such infrastructure is normally determined by the location of the generating station and existing network infrastructure.	The consideration of alternatives and site selection is set out in ES Volume I, Chapter 5 'Project description and alternatives' (Application Document Ref. 6.2.5) and below. The Site has been selected by SCU for the Proposed Development , as opposed to other potentially available sites, for the following reasons: • the Site and local area has a history of power generation; • the Site has excellent electrical grid, gas, water and transport links (road) and is a previously developed site, which is considered more attractive to redevelop for large scale power generation than a greenfield site; • the Site is controlled by SCU; • the Site is large enough for the Proposed Power Plant and associated infrastructure including CCS; and • the Site and the wider area are of relatively low environmental sensitivity. Importantly, the existing electrical, gas and water connections, and highway access will be available for use by the Proposed Development. This was a major factor in selecting the Site. There are a number of options available in relation to the specific location of plant within the existing power station site and in relation to the layout of the plant within the Proposed Power Plant site. These were considered and evaluated at the feasibility stage and the preferred location for the Proposed Power Plant site was selected.
Electric and Magnetic Fields (EMFs) (EN-5, 2.10)	Paragraph 2.10.13 states the applicant should consider the following factors in relation to EMFs: • height, position, insulation and protection (electrical or mechanical as appropriate) measures subject to ensuring compliance with the Electricity Safety, Quality and Continuity Regulations 2002; • that optimal phasing of high voltage overhead power lines is introduced wherever possible and practicable in accordance with the Code of Practice to minimise effects of EMFs; and • any new advice emerging from the Department of Health relating to Government policy for EMF exposure guidelines.	ES Volume I includes a chapter (Chapter 14 - Application Document Ref. 6.2.14) on human health. The chapter summarises the health-related effects described elsewhere within the ES, notably the chapters relating to emissions to air and noise and vibration, and also includes an assessment relating the effects of 'EMFs in respect of the electricity connection in accordance with guidance contained in EN-5. With regard to EMFs, the National Grid substations already exist at the Site and there will be no new EMF effects associated with the Proposed Development. Measures will be implemented to protect operational staff from potential EMF effects associated with the existing substation. With the appropriate precautions in place, no significant health effects in the medium to long-term for operational staff are predicted.

NPPF

5.90 The NPPF was adopted in March 2012 and replaced the majority of the Planning Policy Statements and Guidance Notes.

5.91 The NPPF sets out the Government's planning policies for England and how these are to be applied. It is a material consideration in planning decisions. Paragraph 3 of the NPPF makes clear that the document does not contain specific policies for NSIPs and that these are to be determined in accordance with the decision-making framework set out in the Act and relevant NPSs, as well as any other matters that are considered both 'important and relevant'. The paragraph goes on to confirm that matters that can be considered to be both 'important and relevant' to NSIPs may include the NPPF.

5.92 Paragraph 6 of the NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that the policies that are set out in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice. Paragraph 7 goes on to identify three dimensions to sustainable development: economic, social and environmental. It states that these dimensions give rise to the need for the planning system to perform a number of key roles as follows:

- an economic role - contributing to a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generation and by creating a high quality built environment, with accessible local services that reflect communities needs and support their health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.

5.93 Paragraph 8 emphasises that these roles should not be undertaken in isolation, because they are mutually dependent. For example, economic growth can secure higher social and environmental standards, while well designed buildings and places can improve the lives of people and communities.

5.94 It is considered that the Proposed Development supports these key roles of the planning system. The provision of secure and diverse supplies of low carbon energy is critical in terms of both contributing toward the reduction of greenhouse gas emissions and supporting industry and local communities. Furthermore, the Proposed Development will generate significant employment and increased spending within the local and regional economy during the construction and operational phases. In addition, the ES demonstrates that the Proposed Development would not result in unacceptable environmental effects, while its design includes measures to enhance landscaping and biodiversity and ensure that it is resilient to the effects of climate change.

5.95 Central to the NPPF is 'a presumption in favour of sustainable development'. This is highlighted at Paragraph 14. For decision-making, this means approving applications that accord with the development plan without delay.

5.96 It will be demonstrated later within this section that the Proposed Development accords with relevant development plan policy.

5.97 Paragraph 17 sets out a number of core land-use planning principles that should underpin decision making. Those of particular relevance includes to:

- proactively drive and support sustainable economic development to deliver the infrastructure that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and encouraging the reuse of existing resources and the use of renewable energy sources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

5.98 The Proposed Development accords with these core land-use planning principles as follows:

- it would contribute toward sustainable economic development by providing new electricity generating capacity, for which there is a confirmed need, thereby contributing to the security and diversity of energy supplies for businesses and homes;
- the Design and Access Statement (Application Document Ref. 5.6) demonstrates that the Proposed Development is appropriate in terms of its context and setting and incorporates the principles of 'good design', while the ES demonstrates that it would not result in unacceptable impacts on the amenity of people living in the surrounding area;
- through the allocation of CCR space, the Proposed Development could support the transition to a low carbon future and the newer CCGT technology employed will result on lower emissions than the power station that was previously situated at the Site;
- it has been designed to be resilient to flooding and would not increase the risk of flooding at the Site or elsewhere;
- the Site comprises previously developed land; and
- while the assessment of traffic and transport in the ES for the Proposed Development is based on a worst case scenario, it demonstrates the transport effects during construction and operation would be acceptable.

5.99 A summary of the NPPF policies of most relevance to the Proposed Development and how it complies with these is provided in Table 5.3 below.

Table 5.3 - NPPF Policies

NPPF Ref.	Policy Summary	Assessment
Part 1 **Building a strong and competitive economy**	Confirms that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meet the twin challenges of global competition and of a low carbon future. Paragraph 21 makes it clear that the planning system should do all it can to support sustainable economic growth through, amongst other measures, planning proactively and removing barriers to investment such as a lack of infrastructure. It goes on to state that local authorities should identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.	The Proposed Development will support sustainable economic growth through the provision electricity generating capacity, for which there is a confirmed need, enhancing the security and diversity of UK energy supplies. The provision of secure energy supplies that are resilient to potential supply disruptions is critical to economic growth. It will generate substantial employment during the construction phase and a significant number of permanent operational jobs, creating both direct and indirect benefits for the local and regional economy. In addition, it will contribute to the delivery of the local development plan strategy, which refers to the suitability of the location for further power generation development.
Part 4 **Promoting sustainable transport**	Aimed at facilitating more sustainable transport choices so as to contribute to wider sustainability and health objectives. Paragraph 32 states that all developments that generate significant amounts of movement should be supported by a transport statement or assessment and these should consider the opportunities to make use of sustainable transport modes. Paragraph 36 identifies travel plans as being the key tool to facilitating more sustainable transport choices.	In order to promote sustainable transport, SCU will implement travel and traffic management plans during construction to minimise transport effects and encourage sustainable modes. The travel and traffic management plans are secured by Requirements 14 and 19 of the draft DCO (Application Document Ref. 2.1).
Part 7 **Requiring good design**	Deals with the matter of design in the built environment. Paragraph 56 confirms that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 57 goes on to state that it is important to plan positively for the achievement of high quality and inclusive design for all development.	The DAS demonstrates how SCU has taken account of and appraised the Site's context, the approach that has been taken to design and how this has changed, and evolved as a result of engineering design development and consultation. In view of the heavily industrialised context of the Site, the appearance of the buildings/structures will be functional, reflective of the setting and purpose and would be typical of a modern power station. The draft DCO includes Requirement 4 that secures the detailed design of the Proposed Development. The requirement must be approved by the relevant planning authority.
Part 10 **Meeting the challenge of climate change, flooding and coastal change' focuses upon adapting to and mitigating the effects of climate change**	Focuses upon adapting to and mitigating the effects of climate change. Paragraph 93 highlights that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy. Paragraph 99 stresses that new development should be planned to avoid increased vulnerability to the range of impacts arising from climate change, including flood risk, coastal change, water supply and changes to biodiversity and landscape. Where development is necessary in areas at risk of flooding (paragraph 100) it should be made safe without increasing flood risk elsewhere. In such cases, it may be necessary for the development to satisfy the 'Sequential' and 'Exception' tests. The latter involves demonstrating that the development would provide wider sustainability benefits to the community that outweigh the flood risk and that it would be safe for its lifetime, without increasing flood risk elsewhere (paragraphs 101 - 103).	The Site is located within Flood Zone 1 (low risk), as defined by the Environment Agency. The Proposed Development will not increase the risk of flooding off-site because the drainage and landscape design will follow appropriate guidance to attenuate and control run-off rates from the Site. It follows that no significant effects are predicted. Please refer to ES Volume I, Chapter 6 'Contaminated land, water resources and flood risk' (Application Document Ref. 6.2.6) and ES Volume II, Annex E3 'Greenhouse Gas and Climate Change' (Application Document Ref. 6.3) for more detail.

NPPF Ref.	Policy Summary	Assessment
Part 11 **Conserving and enhancing the natural environment**	Aimed at protecting and enhancing valued landscapes; geological conservation interests and soil; minimising impacts on biodiversity and providing net gains in biodiversity where possible; and preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability (paragraphs 110 - 125. Paragraph 120 states that new development should be appropriate to its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects and pollution, should be taken into account.	The Proposed Development is located on land that is considered suitable for power generation, being previously developed land in an industrial area. It is therefore considered that the Site represents an appropriate location for the Proposed Power Plant. The ES includes an assessment of the potential effects of the Proposed Development upon the natural environment in terms of soils, hydrogeology and land quality; surface water resources and flood risk; air quality; noise and vibration; ecology; and landscape and visual amenity. The ES confirms that with appropriate mitigation, where required, the Proposed Development would not result in unacceptable impacts upon the natural environment.
Part 12 **Conserving and enhancing the historic environment**	Matters relating to the conservation of the historic environment are dealt with at Section 12 of the NPPF (paragraphs 126-141). Paragraph 128 states that where development is proposed on a site that includes or has the potential to include heritage assets or archaeological interests, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation.	The ES confirms that the information assessed to date provides no indication that there are any subsurface archaeological remains from any period at the Site. Furthermore, given the level of ground disturbance on the site since 1990, the assessment concludes that there is low/nil potential for the survival of archaeological remains, which would have been either severely truncated or completely destroyed by modern development. The ES also confirms, in terms of cultural heritage in the surrounding area, that of all the assets the defensive site at Eston Nab is the most likely to be affected by the Project. However, the vista from Eston Nab is dominated by the existing heavily industrialised nature of the Teesside landscape. The level of effect on the Eston Nab site is considered to be minor and therefore not significant. Please refer to ES Volume I, Chapter 12 'Archaeology and cultural heritage' (Application Document Ref. 6.2.12) for more detail.

LOCAL PLANNING POLICY

5.100 Table 5.4 below considers the compliance of the Proposed Development with the relevant local development documents. These include the 'saved' policies of the Redcar & Cleveland Local Plan, adopted June 1999; the Redcar & Cleveland Core Strategy Development Plan Document, adopted July 2007; the Redcar & Cleveland Development Policies Development Plan Document, adopted July 2007; and the Tees Valley Joint Minerals and Waste Development Plan document, adopted September 2011.

5.101 Each of the relevant local development plan policies is summarised in Table 5.4. Given that EN-1, EN-2, EN-4 and EN-5 provide the primary basis upon which any decision on the Application should be made, combined with the fact the matters covered by these local planning policies have for the most part already been considered in detail above in relation to the NPSs, a summarised response has been made to each policy, except where a more detailed response is considered necessary.

Table 5.4 - Local Development Plan Policies

Policy No. / Title	Policy text Summary	Assessment
Core Strategy Development Plan Document (2007)		
CS1 Securing a Better Quality of Life	Sustainable development should underpin proposals in the borough.	The Proposed Development would support sustainable economic growth through the provision electricity generating capacity, for which there is a confirmed need, enhancing the security and diversity of UK energy supplies. The provision of secure energy supplies that are resilient to potential supply disruptions is critical to economic growth. It will generate substantial employment during the construction phase and a significant number of permanent operational jobs, creating both direct and indirect benefits for the local and regional economy. In addition, it will contribute to the delivery of the local development plan strategy, which refers to the suitability of the location for further power generation development. The Proposed Development therefore complies with and contributes to the objectives of this policy.
CS4 Spatial Strategy for South Tees Employment Area	Increase investment and employment in the area, protect and enhance business, safeguard the steel industry and develop energy industries.	The Site is identified as falling within the area covered by the South Tees Employment Area. Policy CS4 supports the development of energy industries, amongst other things, at the Wilton International Site. The Proposed Development will support sustainable economic growth through the provision electricity generating capacity, for which there is a confirmed need, enhancing the security and diversity of UK energy supplies. The provision of secure energy supplies that are resilient to potential supply disruptions is critical to economic growth. It will generate substantial employment during the construction phase and a significant number of permanent operational jobs, creating both direct and indirect benefits for the local and regional economy. In addition, it will contribute to the delivery of the local development plan strategy, which refers to the suitability of the location for further power generation development and to support existing industries. The Proposed Development therefore complies with and contributes to the objectives of this policy.
CS8 Scale and Location of New Employment Development	Up to 160 hectares of general employment land will be brought forward in the period up to 2021.	Please see the text above. The Proposed Development will clearly contribute to the objectives of Policy CS8.
CS9 Protecting Existing Employment Areas	Land and buildings within existing business parks and industrial estates will continue to be developed and safeguarded for business and general industry.	Please see the text above. The Proposed Development will clearly contribute to the objectives of Policy CS9
CS11 Innovation and New Technologies	Proposals will be supported that strengthen the development of the Borough as a centre for energy and recycling industries. Such development will be centred at Wilton International and the wider South Tees area.	The Site is identified as falling within the area covered by the South Tees Employment Area. Policy CS4 supports the development of energy industries, amongst other things, at the Wilton International Site. SCU considers that the Proposed Development will make a major contribution toward addressing the need that exists for new electricity generating capacity in the UK and at local level, and that it will add to the security, diversity and resilience of UK electricity supplies and support to transition to low carbon electricity generation. The Application includes a Framework Site Waste Management Plan ('FSWMP'), which deals with development design and impact avoidance in relation to waste management. The FSWMP also includes measures aimed at minimising the quantities of waste requiring disposal, including how waste will be managed during construction and the opportunities to re-use and recycle waste in accordance with the waste hierarchy. Requirements 14 and 16 of the Draft DCO (Application Document Ref. 2.1) secure the provision of detailed waste management plans to cover both construction and operation. These will be in accordance with the principles set out in the FSWMP. The Proposed Development therefore complies with and contributes to the objectives of this policy.

Policy No. / Title	Policy text Summary	Assessment
CS22 Protecting and Enhancing the Borough's Landscape	The overall approach will be to protect and enhance the Borough's landscape based on the character areas identified through the Landscape Character Assessment.	Chapter 11 'Landscape and Visual Amenity' of ES Volume I (Application Document Ref. 6.2.11) provides an assessment of the effects of the Proposed Development on landscape character and visual amenity. The study area for landscape and visual effects includes areas where it is considered that there is potential for significant direct or indirect effects on landscape character or sensitive views due to the construction, operation and decommissioning stages of the Proposed Development. The baseline environment is already industrial with a number of infrastructural elements in the vicinity of the Site. These include the existing Ensus Plant, pylons and transmission lines, and road networks. The key impact is from the heat recovery steam generators housing and from the stacks. However, it is important to note that the Proposed Development is located on the site of a similarly sized (former) power station. Residual effects range from not significant to minor to moderate and will reduce over time as the Proposed Development is within a large industrial area and adjacent to an existing Ensus Bioethanol Plant, together with a number of industrial elements to the north-north west continuing clockwise round to the east of the Site. It is therefore considered that the landscape and visual impacts associated with the Proposed Development are acceptable.
CS24 Biodiversity and Geological Conservation	The Borough's biodiversity and geological resource will be protected and enhanced.	Chapter 9 'Ecology' of ES Volume I (Application Document Ref. 6.2.9) provides an assessment of the potential effects of the Proposed Development upon ecology. The assessment has been informed by a desk based summary to identify nature conservation designations, protected and notable habitats and species. Taking account of the development design and impact avoidance measures that will be employed no significant adverse effects are predicted in relation to ecology. The assessment concludes that the Site has negligible ecological value for habitats and species of flora and fauna. No significant effects are predicted. Furthermore, there will be no significant effects on off-site habitats due to changes in air quality, nitrogen deposition and acid deposition. No specific mitigation is therefore required, as all the effects of the Proposed Development are not significant. A draft CEMP has been prepared and will be developed to include standard mitigation and good practice in relation to advice on construction with regards to nesting birds and mammals. There are no geological interest features within the Site or within its vicinity. It is therefore considered that the impacts on ecology and geology associated with the Proposed Development are acceptable.
CS25 Built and Historic Environment	Development proposals will be expected to contribute positively to the character of the built and historic environment of the Borough.	The Proposed Development is located on land that is considered suitable for power generation, being previously developed land in an industrial area. It should be considered that the immediate context within which much of the Site sits is already very much industrialised in terms of its character and appearance. It is dominated by the large and functional industrial buildings and plant. The closest of which is the Teesside Ensus bioethanol plant, adjacent to the east of the Site; Europe's largest wheat bio refinery. ES Volume I, Chapter 12 'Archaeology and cultural heritage' (Application Document Ref. 6.2.12) confirms that the information assessed provides no indication that there are any subsurface archaeological remains from any period at the Site. Furthermore, given the level of ground disturbance on the site since 1990, the assessment concludes that there is low/nil potential for the survival of archaeological remains, which would have been either severely truncated or completely destroyed by modern development. Chapter 12 also confirms, in terms of cultural heritage in the surrounding area, that of all the assets the defensive site at Eston Nab is the most likely to be affected by the Project. However, the vista from Eston Nab is dominated by the existing heavily industrialised nature of the Teesside landscape. The level of effect on the Eston Nab site is considered to be minor and therefore not significant. It is therefore considered that the cultural heritage impacts associated with the Proposed Development are acceptable.

Policy No. / Title	Policy text Summary	Assessment
CS26 Managing Travel Demand	Proposals will be supported that: a) Improve transport choice and encourage travel to work and school by public transport, cycling and walking; b) Minimise the distance people need to travel; c) Contribute positively to a demand management strategy to address congestion, environmental and safety issues including managing car parking provision and prioritising bus routes in urban areas; and d) Encourage park and ride at public transport interchanges. The Council will support the preparation and implementation of Travel Plans and other schemes to encourage the use of sustainable transport.	In order to promote sustainable transport, SCU will implement travel and traffic management plans during construction to minimise transport effects and encourage sustainable modes. The travel and traffic management plans are secured by Requirements 14 and 19 of the draft DCO (Application Document Ref. 2.1).
Development Policies DPD Development Plan Document (2007)		
DP1 Development Limits	Within development limits, development will generally be acceptable where it accords with site allocations and designations in the Local Development Framework.	The Site is identified as falling within the area covered by the South Tees Employment Area. Policy CS4 supports the development of energy industries, amongst other things, at the Wilton International Site. The Proposed Development therefore complies with and contributes to the objectives of this policy.
DP3 Sustainable Design	All development must be designed to a high standard.	Chapter 5 of ES Volume I 'Project Description and Alternatives ' (Application Document Ref. 6.2.5) provides an explanation of how the design of the Proposed Development has evolved in the lead up to the submission of the Application. Furthermore, the individual chapters of the ES explain how the Proposed Development has been designed, including the mitigation embedded in its design, to minimise and mitigate impacts. Furthermore, SCU has prepared a Design and Access Statement (Application Document Ref. 5.6), which sets out how it has had regard to 'good design' in respect of the Proposed Development. It describes how SCU has taken account of and appraised the Site's context and the design process that has been followed, including the broad approach that has been taken to the design of the Proposed Development and how this has changed and evolved in the period leading up to the submission of the Application and where opportunities have been taken to improve design and minimise impacts. The Design and Access Statement ('DAS') also explains where flexibility is required within the Proposed Development and how its detailed design will be secured and controlled. The immediate context within which much of the Site sits is already very much industrialised in terms of its character and appearance. It is dominated by the large and functional industrial buildings and plant. The closest of which is the Teesside Ensus bioethanol plant, adjacent to the east of the Site; Europe's largest wheat bio refinery. The final design of the Proposed Development is functional, reflecting its purpose to generate electricity and the context within which it will sit. In terms of siting and layout, opportunities have been taken to minimise the visual impact of the Proposed Development by locating it on a site that was previously occupied by a generating station and within an established industrial area. The Proposed Development also incorporates appropriate access arrangements utilising the existing access to the Site from the A1053 Greystone Road, which forms part of the strategic trunk road network. The A1053 connects to the A174 to the south and A66 Tees Dock Road to the north. The A174 provides a link to the A19 to the south which in turn links to the A1 (M). Further to the above, the Proposed Development incorporates a number of measures within its design to ensure that it will be resilient in terms of the effects of climate change as well as contributing to mitigating those effects. This includes appropriate flood risk mitigation and surface water attenuation that will assist in terms of reducing surface water run-off . Neither should it be overlooked that the Proposed Development will not only result in lower emissions than other forms of electricity generating station (coal and oil), but also be CCR having the potential to be low carbon should the deployment of CCS technology become feasible in the future. It is therefore considered that the Proposed Development represents sustainable design for the purposes of energy infrastructure. It should also be noted that details of the external appearance of the Proposed Development will need to be approved by the relevant planning authority under Requirement 4 of the Draft DCO. The Proposed Development therefore complies with and contributes to the objectives of this policy.

Policy No. / Title	Policy text Summary	Assessment
DP6 Pollution Control	Development that would give rise to increased levels of noise or vibration or which would add to air, land or water pollution, by itself or in accumulation with existing or other proposed uses, will only be permitted under specific circumstances that may require mitigation to create acceptable conditions.	These matters are covered under specific policy topics elsewhere in this table, including in respect of noise, vibration, air, land and water. The Proposed Development includes mitigation measures where necessary and will be controlled by, amongst other things, a CEMP.
DP7 Potentially Contaminated and Unstable Land	Development on or near potentially contaminated or unstable land will not be permitted unless effective measures are agreed to deal with any contamination or instability.	The Proposed Development is located on land that is considered suitable for power generation, being previously developed land in an industrial area. It should be considered that the immediate context within which much of the Site sits is already very much industrialised in terms of its character and appearance. It is dominated by the large and functional industrial buildings and plant. The closest of which is the Teesside Ensus bioethanol plant, adjacent to the east of the Site; Europe's largest wheat bio refinery. The effect of the Proposed Development on water quality and resources is considered in Chapter 6 'Contaminated land, water resources and flood risk' of ES Volume I (Application Document Ref. 6.2.6). From a land (including contamination) and water resource perspective, potential effects during the construction phase of the Proposed Development are particularly focused on preventing the mobilisation of material which may affect the environment. This may be sub-soil or pre-existing contamination sources within the sub-soil. The soil and groundwater condition at the site are considered to be low risk given the presence of low permeability superficial deposits overlying mudstone. Whilst there are several minor watercourses/drainage ditches in close proximity to the site, the potential for existing contamination is limited. Requirement 10 of the Draft DCO (Application Document Ref. 2.1) includes provision for a scenario where contamination (which is likely to cause significant harm to persons or pollution of controlled waters or the environment) is encountered on the Site when excavating. The requirement states that work in the vicinity of that contamination must be suspended, additional investigation and assessment must be carried out, and a written scheme detailing how the contamination will be addressed must be submitted to, and after consultation with the Environment Agency, approved in writing by the relevant planning authority prior to any works resuming. Furthermore, that remediation must be implemented in accordance with the approved scheme. In relation to the Proposed Development, potential impacts during construction can be avoided and minimised through standard construction management practices, as outlined in the draft CEMP (Application Document Ref. 6.3 – Annex L). During the operational phase, land quality impacts will be of lesser concern. Potential effects on the water environment are also unlikely as the Proposed Development will be constructed to make use of the existing site water disposal and drainage infrastructure, via the Wilton International Site surface water drainage system. Potential impacts during operation can be avoided and minimised through appropriate water management plans and designs for flood prevention management measures. As with the construction-related effects, demolition effects can be avoided and minimised through standard construction management practices. Given the anticipated operational life of the Proposed Development, and the ever improving standards for construction, current best practices may not be applicable at the time that the Project is decommissioned, and as such, a decommissioning plan will be produced and submitted to the appropriate authority prior to decommissioning. This is secured by Requirement 25 of the Draft DCO (Application Document Ref 2.1). Following a review of available information, it is believed that the risks can be appropriately managed and there should be no significant effects on the ground, water resources and flooding during the construction, operation and decommissioning of the Proposed Development.

Policy No. / Title	Policy text Summary	Assessment
DP10 Listed Buildings and DP11 Archaeological Sites and Monuments	Any development affecting the setting of a listed building will only be permitted under specific circumstances. Development that would adversely affect important archaeological sites or monuments will not be approved.	The ES confirms that the information assessed to date provides no indication that there are any subsurface archaeological remains from any period at the Site. Furthermore, given the level of ground disturbance on the site since 1990, the assessment concludes that there is low/nil potential for the survival of archaeological remains, which would have been either severely truncated or completely destroyed by modern development. The ES also confirms, in terms of cultural heritage in the surrounding area, that of all the assets the defensive site at Eston Nab is the most likely to be affected by the Project. However, the vista from Eston Nab is dominated by the existing heavily industrialised nature of the Teesside landscape. The level of effect on the Eston Nab site is considered to be minor and therefore not significant. Furthermore, the setting of any listed building will not be adversely affected. It is therefore considered that the cultural heritage impacts associated with the Proposed Development are acceptable. Please refer to ES Volume I, Chapter 12 'Archaeology and cultural heritage' (Application Document Ref. 6.2.12) for more detail.
Draft Publication Local Plan (November 2016)		
SD 1 Sustainable Development	When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.	The Proposed Development would support sustainable economic growth through the provision electricity generating capacity, for which there is a confirmed need, enhancing the security and diversity of UK energy supplies. The provision of secure energy supplies that are resilient to potential supply disruptions is critical to economic growth. It will generate substantial employment during the construction phase and a significant number of permanent operational jobs, creating both direct and indirect benefits for the local and regional economy. In addition, it will contribute to the delivery of the local development plan strategy, which refers to the suitability of the location for further power generation development. The Proposed Development therefore complies with and contributes to the objectives of this policy.
SD2 Locational Policy	Development will be directed to the most sustainable locations in the borough.	The consideration of alternatives and site selection is set out in ES Volume I, Chapter 5 'Project description and alternatives' (Application Document Ref. 6.2.5) and below. The Site has been selected by SCU for the Proposed Development , as opposed to other potentially available sites, for the following reasons: • the Site and local area has a history of power generation; • the Site has excellent electrical grid, gas, water and transport links (road) and is a previously developed site, which is considered more attractive to redevelop for large scale power generation than a greenfield site; • the Site is controlled by SCU; • the Site is large enough for the Proposed Power Plant and associated infrastructure; and • the Site and the wider area are of relatively low environmental sensitivity. Importantly, the existing electrical, gas and water connections, and highway access will be available for use by the Proposed Development. This was a major factor in selecting the Site. There are a number of options available in relation to the specific location of plant within the existing power station site and in relation to the layout of the plant within the Proposed Power Plant site. These were considered and evaluated at the feasibility stage and the preferred location for the Proposed Power Plant site was selected.
SD 3 Development Limits	Within development limits, development will generally be acceptable where it accords with the site allocations and designations in the Local Plan.	The Site is identified as falling within the area covered by the South Tees Employment Area. Policy CS4 supports the development of energy industries, amongst other things, at the Wilton International Site. The Proposed Development therefore complies with and contributes to the objectives of this policy.
SD 4 General Development Principles	In assessing the suitability of a site or location, development will be permitted where it fulfils general development principles identified within SD4.	The Proposed Development is located on land that is considered suitable for power generation, being previously developed land in an industrial area. It should be considered that the immediate context within which much of the Site sits is already very much industrialised in terms of its character and appearance. It is dominated by the large and functional industrial buildings and plant. The closest of which is the Teesside Ensus bioethanol plant, adjacent to the east of the Site; Europe's largest wheat bio refinery. The Proposed Development therefore complies with and contributes to the objectives of this policy.
SD6 Renewable and Low Carbon Energy	Renewable and low carbon energy schemes will be supported and encouraged, and will be approved where their impact is, or can be made, acceptable.	SCU considers that the Proposed Development will make a major contribution toward addressing the need that exists for new electricity generating capacity in the UK and at local level, and that it will add to the security, diversity and resilience of UK electricity supplies and support to transition to low carbon electricity generation. The Proposed Development therefore complies with and contributes to the objectives of this policy.

Policy No. / Title	Policy text Summary	Assessment
SD 7 Flood and Water Management	Flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk.	The Site is located within Flood Zone 1 (low risk), as defined by the Environment Agency. The Proposed Development will not increase the risk of flooding off-site because the drainage and landscape design will follow appropriate guidance to attenuate and control run-off rates from the Site. It follows that no significant effects are predicted. The Proposed Development therefore complies with and contributes to the objectives of this policy.
LS 4 South Tees Spatial Strategy	A number of economic, connective, and environmental aims for areas within South Tees including Wilton International.	The Site is identified as falling within the area covered by the South Tees Employment Area. The Proposed Development will support sustainable economic growth through the provision electricity generating capacity, for which there is a confirmed need, enhancing the security and diversity of UK energy supplies. The provision of secure energy supplies that are resilient to potential supply disruptions is critical to economic growth. It will generate substantial employment during the construction phase and a significant number of permanent operational jobs, creating both direct and indirect benefits for the local and regional economy. In addition, it will contribute to the delivery of the local development plan strategy, which refers to the suitability of the location for further power generation development. More broadly, operation of the Proposed Development will contribute to security of energy supply across the UK, supporting the economic and social activities which depend on a reliable, available and economic source of energy. In terms of environmental impacts; these have been dealt with elsewhere in this table and where necessary mitigation has been proposed as part of the Proposed Development. The environmental impact of the Proposed Development is considered acceptable. The Proposed Development therefore complies with and contributes to the objectives of this policy.
N 1 Landscape	Aim to protect and enhance the borough's landscapes.	Chapter 11 'Landscape and Visual Amenity' of ES Volume I (Application Document Ref. 6.2.11) provides an assessment of the effects of the Proposed Development on landscape character and visual amenity. The study area for landscape and visual effects includes areas where it is considered that there is potential for significant direct or indirect effects on landscape character or sensitive views due to the construction, operation and decommissioning stages of the Proposed Development. The baseline environment is already industrial with a number of infrastructural elements in the vicinity of the Site. These include the existing Ensus Plant, pylons and transmission lines, and road networks. The key impact is from the heat recovery steam generators housing and from the stacks. However, it is important to note that the Proposed Development is located on the site of a similarly sized (former) power station (now demolished, with demolition works ceasing as recently as 2015). Residual effects range from not significant to minor to moderate and will reduce over time as the Proposed Development is within a large industrial area and adjacent to an existing Ensus Bioethanol Plant, together with a number of industrial elements to the north-north west continuing clockwise round to the east of the Site. It is therefore considered that the landscape and visual impacts associated with the Proposed Development are acceptable.
N 4 Biodiversity and Geological Conservation	Protect and enhance the borough's biodiversity and geological resources.	ES Volume III, Annex H includes a Habitats Regulations Assessment ('HRA') (Application Document Ref. 6.4). This includes completed Screening Matrices. The HRA confirms that the Proposed Development is unlikely to result in significant effects on internationally or nationally designated nature conservation sites. Chapter 9 'Ecology' of ES Volume I (Application Document Ref. 6.2.9) provides an assessment of the potential effects of the Proposed Development upon ecology. The assessment has been informed by a desk based summary to identify nature conservation designations, protected and notable habitats and species. Taking account of the development design and impact avoidance measures that will be employed no significant adverse effects are predicted in relation to ecology. The assessment concludes that the Site has negligible ecological value for habitats and species of flora and fauna. No significant effects are predicted. Furthermore, there will be no significant effects on off-site habitats due to changes in air quality, nitrogen deposition and acid deposition. No specific mitigation is therefore required, as all the effects of the Proposed Development are not significant. A draft CEMP (Application Document Ref. 6.3 – Annex L) has been prepared and will be developed to include standard mitigation and good practice in relation to advice on construction with regards to nesting birds and mammals. There are no geological interest features within the Site or within its vicinity. It is therefore considered that the impacts on ecology and geology associated with the Proposed Development are acceptable.

Policy No. / Title	Policy text Summary	Assessment
HE 3 Archaeological Sites and Monuments	Development that would adversely affect archaeological sites or monuments that are designated heritage assets, or their settings, or archaeological sites of equivalent significance will only be approved in the most exceptional circumstances.	The ES confirms that the information assessed to date provides no indication that there are any subsurface archaeological remains from any period at the Site. Furthermore, given the level of ground disturbance on the site since 1990, the assessment concludes that there is low/nil potential for the survival of archaeological remains, which would have been either severely truncated or completely destroyed by modern development. The ES also confirms, in terms of cultural heritage in the surrounding area, that of all the assets the defensive site at Eston Nab is the most likely to be affected by the Project. However, the vista from Eston Nab is dominated by the existing heavily industrialised nature of the Teesside landscape. The level of effect on the Eston Nab site is considered to be minor and therefore not significant. It is therefore considered that the cultural heritage impacts associated with the Proposed Development are acceptable. Please refer to ES Volume I, Chapter 12 'Archaeology and cultural heritage' (Application Document Ref. 6.2.12) for more detail.
TA 1 Demand Management Measures	The LTP will provide an overarching framework for demand management that will ensure that a comprehensive approach is taken to include the provision of public transport alternatives; and the identification of the full range of demand management measures, including parking policies that should be considered for implementation through programmes, bespoke to particular areas of the borough.	ES Volume I, Chapter 10 'Traffic and transport' (Application Document Ref. 6.2.10) provides an assessment of traffic and transportation. The scope and methodology of the transport work undertaken has been discussed with RCBC as highway authority and Highways England. In addition, relevant Department for Transport and other guidance has been taken into account. The assessment demonstrates that the Proposed Development, during both the construction and operational phase (Scenario One and Scenario Two), will result in no significant effects on the local or Strategic Road Network and their users. The impact on daily traffic flows would be less than 30% for both scenarios assessed, during construction and operation. Impacts on the Greystone and Westgate roundabouts would be less than 10% for both scenarios. The percentage increase of HGVs would only exceed 10% on the A1053 Greystone Road for the peak construction phase of Scenario One, which considers the single construction phase of the generating station. This road is part of the Strategic Road Network and designed to carry large volumes of traffic and HGVs. Impacts during the construction stage would be temporary. In order to promote sustainable transport, SCU will implement travel and traffic management plans during construction to minimise transport effects and encourage sustainable modes. The travel and traffic management plans are secured by Requirements 14 and 19 of the draft DCO (Application Document Ref. 2.1). It is therefore considered that traffic and transport impacts associated with the Proposed Development are acceptable.
TA 2 Travel Plans	Proposals will be supported that: a. improve transport choice and encourage travel to work and school by public transport, cycling and walking; b. minimise the distance people need to travel; c. contribute positively to a demand management strategy to address congestion, environmental and safety issues including managing car parking provision and prioritising bus routes in urban areas; and d. encourage park and ride at public transport interchanges. The Council will support the preparation and implementation of Travel Plans, Travel Assessments and other schemes and agreements to encourage the use of sustainable transport. All strategic and significant development proposals will be expected to be accompanied by a Travel Plan.	In order to promote sustainable transport, SCU will implement travel and traffic management plans during construction to minimise transport effects and encourage sustainable modes. The travel and traffic management plans are secured by Requirements 14 and 19 of the draft DCO (Application Document Ref. 2.1).

SUMMARY

5.102 This section has considered the Proposed Development's conformity against the assessment principles, generic impacts and assessment and technology specific considerations of the relevant NPSs (EN-1, EN-2, EN-4 and EN-5). Regard has also been had to the NPPF and relevant local development plan policy. It is considered to have been demonstrated that the Applicant has fully taken into account the guidance contained within the NPSs and that there is no conflict with NPS policy or with the NPPF and local development plan policy.

5.103 It is however important to recognise that although the NPPF and local development plan policy may be 'important and relevant', the NPSs are the primary consideration for the determination of NSIPs and take precedence where there is any conflict with such policies.

6 THE BENEFITS AND ADVERSE EFFECTS OF THE PROPOSED DEVELOPMENT

6.1 This section of the Planning Statement identifies the key benefits of the Proposed Development as well as its likely significant adverse effects having regard to the policy assessment within Section 5 and the EIA that has been undertaken.

BENEFITS OF THE PROPOSED DEVELOPMENT

6.2 The Proposed Development would have a number of very clear benefits, which can be summarised as follows:

- EN-1 clearly confirms the urgent 'need' that exists for all types of nationally significant energy infrastructure, including new fossil fuel generating stations that are carbon capture ready ('CCR'). It is clear that the SoS should assess applications on the basis that this 'need' and its scale and urgency has been proven.
- The Proposed Development, with a gross output capacity of up to 1,700 MW, will respond to this urgent need in a timely manner (the Proposed Power Plant could be operational by 2022).
- The Proposed Development will support the increased deployment of renewable energy in the UK, which is crucial if the country is to move to a low carbon economy. In this respect, EN-1 recognises that fossil fuel generating stations have a vital role to play in adding to the security, diversity and resilience of the UK's electricity supplies. Not least, they ensure that the country is not overly reliant on any one type of generation and can be operated flexibly, providing back-up for when generation from intermittent renewable generating capacity is low.
- Gas is more efficient and results in lower carbon dioxide emissions than other fossil fuels such as coal and oil and, as such, the Proposed Power Plant will result in much lower carbon dioxide emissions than the existing coal-fired power station. Furthermore, the Proposed Power Plant will deploy highly efficient gas turbine technology that will result in significantly lower emissions than average UK gas-fired power plants. The Proposed Development therefore represents a form of low carbon electricity generation and will make a positive contribution toward the UK's carbon dioxide reduction targets.
- The Proposed Power Plant has been designed to be CCR so should the deployment of carbon capture technology become feasible in the future its carbon dioxide emissions will be reduced further.
- The Proposed Development has been designed to be 'CHP Ready' so that should a viable heat demand be identified in the future the Proposed Power Plant will be able to accommodate the necessary facilities and connections to meet that demand.
- The Proposed Development will make use of brownfield land at a historic power generation site that already benefits from electrical, gas and cooling water connections and other infrastructure. This will assist in minimising the impact of the Proposed Development upon the environmental and its carbon footprint.
- The Proposed Development would have substantial benefits for the regional and local economy, in terms of employment during the construction phase.
- Further to the above, the draft DCO includes Requirement 29 'Employment and skills and plan' that is aimed at promoting employment, skills and training development opportunities for

local residents during construction and employment opportunities during operation.

- The local development plan recognises the importance of the Wilton International Site. It supports further development which is related to the energy industries. The Proposed Development will ensure that the Site once again acts as a location for electricity generation. It is therefore in accordance with strategic policy in the local development plan.

LIKELY SIGNIFICANT ADVERSE EFFECTS OF THE PROPOSED DEVELOPMENT

6.3 There will be visual effects of not significant to minor to moderate significance on a small number of nearby recreational and residential receptors during operation. Long-term effects will reduce over time as the Proposed Development is within a large industrial area and adjacent to an established industry.

6.4 Please refer to ES Volume 1, Chapter 18 'Conclusions' (Application Document Ref. 6.2.18) for further detail.

SUMMARY

6.5 As with all development proposals, it is necessary to assess the Proposed Development in terms of its conformity and compliance with relevant policy and weigh the benefits and significant adverse effects against each other (the 'planning balance').

6.6 Section 5 of this Planning Statement has considered the Proposed Development's conformity against the assessment principles, generic impacts and assessment and technology specific considerations of the relevant NPSs (EN-1, EN-2, EN-4 and EN-5). Regard has also been had to the NPPF and local development plan policy where relevant. It is considered to have been demonstrated that SCU has fully taken into account the policy contained within the NPSs and that there is no conflict with the NPSs or with the NPPF and local development plan policy.

6.7 This section has identified a number of very clear and substantial benefits that the Proposed Development will deliver. The significant adverse effects (minor to moderate) are confined to visual amenity at a small number of residential and recreational receptors. Notwithstanding this, the NPSs for energy infrastructure recognise that fossil fuel generating stations will have an impact on landscape and visual amenity. Furthermore, it should be considered that the immediate context within which much of the Site sits is already very much industrialised in terms of its character and appearance. It is dominated by the large and functional industrial buildings and plant. The closest of which is the Teesside Ensus bioethanol plant, adjacent to the east of the Site; Europe's largest wheat bio refinery.

7 OTHER MATTERS

7.1 This section refers to a number of other matters that are relevant to the Application. These include the other 'non-DCO' consents and licences required for the Proposed Development; the need for the compulsory acquisition of land or interests and rights in land; the requirements included within the draft DCO; and finally, the need or otherwise for a development consent obligation.

OTHER CONSENTS AND LICENCES

7.2 There are other consents and licences, in addition to the DCO, that are required in respect of the construction and operation of the Proposed Development. The PA 2008 provides the ability to include some these within a DCO. However, a number of consents and licences, such as the Environmental Permit for the Proposed Power Plant, will be advanced separately to the DCO.

7.3 As confirmed in Section 5, EN-1 (paragraph 4.10.6) advises applicants to make early contact with relevant regulators to discuss the requirements for the necessary applications and to ensure that these take account of all relevant considerations and that the regulators are able to provide timely advice and assurance to the SoS with regard to the consents and licences. EN-1 also states that where possible, applicants are encouraged to submit applications for Environmental Permits and other necessary consents at the same time as applying to the SoS for a DCO.

7.4 The Other Consents and Licences document (Application Document Ref. 5.4) lists those consents and licences that are required for the Proposed Development that are being/will be advanced separately of the DCO. As stated above, these include the Environmental Permit for the operation of the Proposed Power Plant. It should be noted that SCU has received a positive indication from the EA (letter dated 1 March 2017) that a permit will be granted.

7.5 The Other Consents and Licences document sets out the position with regard to obtaining the consents required for the Proposed Development under other regulatory regimes. It is a 'live' document and will be updated during the examination of the Application.

REQUIREMENTS

7.6 Schedule 2 'Requirements' of the draft DCO (Application Document Ref. 2.1) contains a number of requirements that will control the detailed design of the Proposed Development in addition to its construction and operation to ensure that it remains within the scope of the EIA carried out and does not result in unacceptable impacts. These will require the submission to and approval by the local planning authority, RCBC, of further details of the Proposed Development. A significant number of the requirements must be discharged prior to the commencement of the Proposed Development with others needing to be discharged prior to commissioning or commercial use.

7.7 In drafting the requirements SCU has reviewed other relevant DCOs, considered the findings of the EIA for the Proposed Development and also consulted with RCBC and a number of technical consultees.

7.8 The draft requirements take account of the advice contained in EN-1 (paragraph 4.1.7) and the guidance contained within the NPPF (paragraphs 203-206) and the PPG ('Use of planning conditions'). It is considered that they are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise and reasonable in all other respects.

7.9 The requirements will ensure that, amongst other matters:

- the relevant planning authority has control over the final design of the Proposed Development in relation to matters such as the detailed design of the Proposed Power Plant layout and its buildings and structures, the highway accesses, lighting, boundary treatment, surface and foul water drainage and flood risk mitigation;
- the construction and operational effects of the Proposed Development are controlled, including in relation to matters such as noise and vibration, contaminated land and groundwater, construction working hours and traffic management;
- landscaping is secured;
- the Proposed Development is designed and built to be CCR and CHP Ready and sufficient space is safeguarded for any future plant and connections; and
- construction waste arisings are suitably controlled and managed.

7.10 The intended purpose and effect of the draft requirements is explained in more detail within the Explanatory Memorandum (Application Document Ref. 2.2).

7.11 The Commitments Register included at Appendix 21A of ES Volume III (Application Document Ref. 6.4.27) identifies where particular requirements will secure mitigation measures and commitments contained within the ES.

DEVELOPMENT CONSENT OBLIGATION

7.12 Development consent obligations can be used where they will deliver mitigation that addresses the adverse effects of a development that will otherwise be unacceptable in planning terms. They must satisfy broadly similar tests to those for requirements that is, they must be relevant to planning, necessary to make the development acceptable in planning terms, directly related to the development, fairly and reasonably related in scale and kind to the development and reasonable in all other respects.

7.13 The Application does not include a development consent obligation as the EIA of the Proposed Development has not identified the need for mitigation (in addition to that which is embedded in its design or will be secured by the requirements) in order to make it acceptable in planning terms

8 CONCLUSIONS

8.1 The following conclusions can be drawn from this Planning Statement:

- There is an urgent need for new electricity generating capacity in the UK as confirmed by NPS EN-1 and this 'need' is not open to debate or interpretation.
- The Proposed Development has been considered against the assessment principles, generic impacts and assessment and technology specific considerations of NPSs EN-1, EN-2, EN-4 and EN-5, in addition to the NPPF and relevant local development plan policy. It is considered to have been demonstrated that SCU has fully taken into account the guidance contained within the NPSs and that there is no conflict with NPS policy or with the NPPF or local development plan policy.
- The Proposed Development would deliver a number of very clear and positive benefits, including the timely delivery of new electricity generating capacity that will contribute to the security, diversity and resilience of UK energy supplies and support the increased deployment of renewable energy; make a positive contribution toward the UK's carbon dioxide reduction targets; and deliver substantial benefits for the regional and local economy, in terms of employment during the construction phase as well as providing a significant number of long-term jobs during operation.
- The significant adverse effects are for the main confined to visual amenity at a small number of residential and recreational receptors. Notwithstanding this, NPSs EN-1 and EN-1 recognise that fossil fuel generating stations will have an impact on landscape and visual amenity. It is therefore considered that the benefits of the Proposed Development substantially outweigh the limited harm that will result.
- SCU understands the other 'non-DCO' consents and licences that are required for the Proposed Development and is progressing the necessary applications and will provide updates during the examination. There are no known reasons why these consents and licences would not be forthcoming. It should be noted that SCU has received a positive indication from the EA (letter dates 1 Match 2017) that a permit will be granted.
- The draft DCO includes appropriate requirements that will control the detailed design of the Proposed Development and its construction and operation in order to ensure that it accords with the EIA undertaken and does not result in unacceptable effects.
- In view of the above, including the mitigation that has been embedded in the design of the Proposed Development or which will be secured by the requirements, the SCU does not consider that a development consent obligation is necessary to make the Proposed Development acceptable in planning terms.
- SCU considers that the Proposed Development is acceptable in planning terms and that a DCO should therefore be made by the SoS for BEIS.