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Your Ref: 2019s0951 - Hartlepool EfW - Scoping Letter FINAL.docx
Our Ref: R/2019/0700/SCP

Contact: Adrian Miller
Direct line: 01287 612454

Date: 10 December 2019

Dear Mr Latham,

Town and Country Planning Act 1990 (as amended)

Scoping Opinion under Part 2 Section 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Energy from Waste Plant (EFW) Plant, Redcar.

The Scoping Request sets out the proposed format and content of the Environmental Statement. The following topics are set out as those that will be considered;

- Ecology and Biodiversity
- Landscape and Visual Impact
- Soils, Geology and Contaminated Land
- Flood Risk, Hydrology and Water Quality
- Archaeology and Cultural Heritage
- Traffic and Transport
- Air Quality and Human Health
- Noise and Vibration
- Climate Change
- Socio-economic
- Cumulative Impact

The proposed list above and the narrative provided in the submitted letter, are accepted as a comprehensive list for the proposed development and would provide an appropriate scope for the proposed ES.

Below are the comments from both the internal and external consultees in respect of the scoping submission, copies of which can be found in full using the following link;

<https://planning.redcar-cleveland.gov.uk/Planning/Display?applicationNumber=R%2F2019%2F0700%2FSCP>

External stakeholder comments received as a result of consultation;

Environment Agency 21 November 2019

Thank you for referring the above Scoping Opinion which we received on 13 November 2019. Having reviewed the supporting documentation, we would expect the following matters to be dealt with as part of any planning application of these works:

Water Framework Directive (WFD)

The development needs to give due regard to the objectives of the Water Framework Directive. In considering the development further, we would expect a WFD Assessment to be submitted as part of a planning application. The WFD assessment should undertake an assessment of the proposed activity on the water environment.

Water Quality

If the proposed development intends to make a discharge to the environment, the applicant will need to ensure that they connect to mains sewage. If this is not feasible, the Applicant will need to apply for an appropriate environmental permit from the Environment Agency.

The Tees Estuary incorporates areas protected for conservation purposes. Therefore, any discharges to the Tees Estuary will need to assess the impact to the protected areas, and to the objectives of the WFD. The Applicant may need to undertake modelling and assessments which demonstrate the environmental impacts of any proposed discharges. In addition, best practice should be employed during the construction of the site to prevent leaks and spills of oils / fuels / chemicals, and mitigation of silty surface water.

Waste

The Applicant will need to demonstrate that the use of the proposed facility will follow the waste hierarchy. The Applicant will also have to demonstrate that the facility will be designed to make use of both heat and electricity production, and utilise the most efficient design in order to follow the Waste Strategy for England 2019.

Environmental Permitting Regulations (EPR)

It is unclear whether the proposed was will involve the use of hazardous residual waste. If the development proposal involves the use of non-hazardous residual waste, then the Energy from Waste (EfW) plant will require an EPR permit from the Environment Agency. Based on the information submitted, the proposed development appears to fall into Schedule 1 listed activity S5.1 A1 (b) "Incineration of non-hazardous waste in a waste incineration plant or waste co-incineration plant with a capacity exceeding 3 tonnes per hour".

The proposed stack height is stated as being between 70m to 80m. However, the stack heights could be higher. This is dependent on the outcomes of air quality and/or habitats assessments. It is noted that a similar type plant in the North Tees area has a stack height of 111m.

The proposed development will be of high public interest. Therefore, as part of the EPR permit, we will likely run a consultation to give people the opportunity to comment on the permit application. We strongly recommend that pre-application discussions are initiated with the Environment Agency at a suitable early opportunity.

Water Resources Consent

If the Applicant is proposing to abstract from a Surface Water (including the Tees Estuary) or any underground strata, then a Water Resources licence may be required from the Environment Agency. Any Water Resource license granted may have conditions attached to protect the environment. These conditions may provide protection for migratory fish and eels, and may limit the periods when abstraction could take place. It should be noted that there is no guarantee that an abstraction licence will be granted. Therefore, we strongly recommend that the Applicant submits a pre-application enquiry with the Environment Agency.

Contributing to Local Environmental Initiatives and Priorities

The Tees Estuary Partnership are developing a habitat banking scheme to offset any ecological impacts which could arise from development. This is based on the Biodiversity 2.0 Net Gain metric, and has been tweaked to fit the local context of Teesside. The Industry and Nature Conservation

Association are currently finalising this metric. Therefore, we recommend that consideration is given to achieving a biodiversity net gain from the development. Further information is available at

<http://publications.naturalengland.org.uk/publication/5850908674228224>

Health and Safety Executive 14 November 2019

Land Use Planning Consultation with Health and Safety Executive

[Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Redcar and Cleveland (B).

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Unidentified Pipelines

There is at least one unidentified pipeline in this Local Authority Area. You may wish to check with the pipeline operator where known or the Local Authority before proceeding. The details HSE have on record for these pipelines is as follows:

4440193_ Sabic UK Petrochemicals Ltd North Tees to Olefins 6

This advice report has been generated using information supplied by Lynne Aspery at Redcar and Cleveland (B) on 14 November 2019. Note that any changes in the information concerning this development would require it to be re-submitted.

Cleveland Police CPO / ALO 19 November 2019

In relation to this application, my comments submitted on 23/9/19 are still relevant.

Network Rail 25 November 2019

In relation to the protection of the railway, any Environmental Impact Assessment for the site should include consideration of how the scheme may impact on operational railway safety. The Transport Assessment should include consideration of construction and haulage routes related to the proposed development and any impact these may have on railway assets such as bridges and level crossings.

Natural England 28 November 2019

Thank you for your consultation on the above dated 13 November 2019 which was received by Natural England on the same day.

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

Natural England has previously provided comments on the content of the EIA in our letter dated 9th October 2019 in response to your consultation R/2019/0587/SCP. The detail contained in that letter remains appropriate for this consultation. Please, therefore, refer to our previous letter.

We would be happy to comment further should the need arise but if in the meantime, if you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact me on 0208 0265533 or andrew.whitehead@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

NATS 14 November 2019

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

MoD 28 November 2019

Thank you for consulting Defence Infrastructure Organisation (DIO) on the above proposed development. This application relates to a site outside of Ministry of Defence (MOD) statutory safeguarding areas (SOSA). We can therefore confirm that the MOD has no safeguarding objections to this proposal.

Northumbrian Water 4 December 2019

Thank you for consulting Northumbrian Water on the above proposed development.

In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit

<https://www.nwl.co.uk/services/developers/>

Having assessed the proposed development against the context outlined above we have the following comments to make:

At this early stage, the application does not provide sufficient information with regard to the management of foul and surface water from the development for Northumbrian Water to assess our capacity to treat the flows from the development.

The Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely: -

- Soakaway*
- Watercourse, and finally*
- Sewer*

We recommend that the developer contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-planning enquiry

directly to us. Full details and guidance can be found at

*<https://www.nwl.co.uk/services/developers/developer-sewerage-services/pre-planning-enquiries/> or
telephone 0191 419 6559.*

Redcar and Cleveland Council Service Teams

Planning Strategy 15 November 2019

Strategic Planning Comments

The following policies are relevant when considering the proposed development:

National Policy

The revised National Planning Policy Framework (NPPF) was published by the government in February 2019. It is confirmed in the NPPF that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise, and that the NPPF is a material consideration in that regard (para. 2).

Redcar & Cleveland Local Plan 2015-2032 (May 2018):

Policy SD1: Sustainable Development

Policy SD2: Locational Policy

Policy SD3: Development Limits

Policy SD4: General Development Principles

Policy SD6: Renewable Energy

Policy SD7: Flood and Water Management

Policy LS4: South Tees Spatial Strategy

Policy ED6: Promoting Economic Growth

Policy N4: Biodiversity and Geological Conservation

Policy TA1: Transport and New Development

Minerals and Waste Core Strategy DPD

Policy MWC8: General Locations for Waste Management Sites

Policy MWC10: Sustainable Transport

Minerals and Waste Core Strategy and Development Policies and Sites DPDs

Policy MWC6: Waste Strategy

Policy MWC8: General Locations for Waste Management Sites
Policy MWC10: Sustainable Transport
Policy MWP8: South Tees Eco Park

Supplementary Planning Documents:

- South Tees Area SPD
- Developer Contributions SPD

The above policies are considered relevant to the proposed development and should be taken into consideration when undertaking the EIA and preparing plans for the development.

Strategic Planning (Conservation) 4 December 2019

The Council's Historic Environment Record indicates that the site contains remnants of historic industry relating to ironworking inside the proposed site and many more within close proximity. The potential impacts of the development upon these non-designated heritage assets should therefore be taken into account. In order to comply with Policy HE3 of the adopted Local Plan, it will be necessary to carry out a desk based assessment to be submitted as part of the planning application. Cleveland Industrial Archaeology Society may be a useful information source.

Local Lead Flood Authority (LLFA) 21 November 2019

A site-specific FRA should accompany any application and should be in accordance with Policy SD7 Flood and Water Management. The LLFA would be happy to discuss any specific matters relating to flood risk, surface water management and drainage strategy.

Environmental Protection (Contaminated Land) and (Nuisance) 26 November 2019

I have no objections to the above proposal provided that an appropriate assessment is carried out

Natural Heritage Manager 14 November 2019

In terms of environmental considerations and adjacent special protection areas, I would support fully, the comment/advice provided within the scoping response.

The traffic impact of the site will need to be the subject of a detailed Transport Assessment.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Adrian Miller', written in a cursive style.

Adrian Miller BA (Hons) Dip TP MRTPI
Head of Planning and Development