



Redcar & Cleveland Borough Council

Corporate Directorate of Growth, Enterprise and Environment
Redcar and Cleveland House
Kirkleatham Street
Redcar
TS10 1RT
01642 774774
adrian.miller@redcar-cleveland.gov.uk
www.redcar-cleveland.gov.uk

DWD
6 New Bridge Street
London
EC4V 6AB

Our Ref: R/2023/0179/SCP
Your Ref: 16450
Contact: Adrian Miller
Direct Line: 01287 612454
Mob:07833 294467

Date: 14 April 2023

Dear Mr Bullock

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (THE '2017 EIA REGULATIONS')

HYGREEN HYDROGEN PROJECT – LAND AT THE FOUNDRY SITE, TEESWORKS AND IN THE VICINITY OF WILTON INTERNATIONAL

REGULATION 15 SCOPING OPINION OF THE LOCAL PLANNING AUTHORITY

This scoping response is based on the submission of information under application R/2023/0179/SCP received on 6 March 2023.

General Approach (Application for an Environmental Impact Assessment Scoping Opinion)

The document submitted is considered to be an appropriate approach to the preparation of an ES. The general structure and format is considered acceptable setting out;

- A background to the development
- Description of the existing environment
- The proposed Development
- Consideration of Alternatives
- Planning Policy and Need

- Potentially Significant Environmental Effects
- EIA process and
- Summary

The overall approach to the ES is considered acceptable as are the range of topic areas to be assessed under section 6 (Potentially Significant Environmental Effects) subject to the detailed comments received and set out below from consultees to the process. The Scoping report sets out in detail, the approach to be taken to the preparation of the ES and is considered to be a robust and comprehensive assessment of that process. The LPA at this stage does not see the need to materially alter or add to the approach taken in the Scoping Report in terms of the matters to be covered or the methodology.

Detailed comments from consultees

The original comments in respect of the scoping consultation may be found at;

<https://planning.redcar-cleveland.gov.uk/Planning/Display?applicationNumber=R%2F2023%2F0179%2FSCP>

Redcar and Cleveland Council service teams

Highways

Highways would offer the following comment and would require the information below should an application be submitted.

- *Details of any physical impacts on the highway network (e.g. pipeline crossings etc)*
 - *Detail of the proposed construction arrangements with impact on highway network and proposed mitigation as required*.*
 - *Detail of the proposed operational arrangements with impact on highway network and proposed mitigation as required**
- * this assessment should reflect cumulative impacts on the highway network with other planning permissions.*
- *Detail of the impact on PROW in the area.*
 - *Detail of the impact on the Saltburn Railway Line.*

- *Detail of the impact if any on the operation of Teesport.*

Environmental Protection (Nuisance)

I note that separate reports for Air Quality and Noise and Vibration have been included in the scoping opinion request from which it is recommended both air quality and Noise and Vibration are scoped into the future impact assessment.

The report states that for both air quality and Noise and Vibration that the applicant will contact Environmental Protection to discuss sensitive receptors.

The report identifies other significant developments in the vicinity and Air Quality and Noise and Vibration should be part of the consideration in any future Environmental Impact Assessment.

Environmental Protection (Contamination)

With reference to the above planning application, I would confirm that I have assessed the following environmental impacts which are relevant to the development and would comment as follows. I note that the scoping opinion report recommends that geology, hydrogeology and contaminated land topic is scoped into the future impact assessment. In order to minimise the environmental impact I would recommend that the principles of the councils full standard contaminated land condition are followed in any future environmental impact assessment.

Archaeological Advisor (NEAR)

The Scoping report by AECOM dated March 2023 states that a “A cultural heritage DBA will be produced to determine, as far as is reasonably possible from existing records, the nature of the cultural heritage resource within a study area of 1 km for non-designated assets. This study area is sufficient for identifying heritage assets within the Proposed Development Site that may be physically impacted by the Proposed Development and for providing relevant context for the archaeological and historical baseline narrative.” 6.1.136 A 1 km zone for cultural heritage direct impacts assessment is proposed. from the site boundary (very large sites) or centreline in case of pipeline corridors At paragraph 6.1.138 it is stated that data sources consulted during the production of the DBA will include a range of inventories, databases, record types and publications.

Recommendation

(1) In general terms the proposals are industry standard and acceptable.

(2) However, there are a number of caveats in this particular case, arising partly from the nature of the development proposed, and partly from its location.

(3) The greatest point of current archaeological concern is the potential impact of the corridor works to the south of the main site on the area of the Coatham Iron works and related remains. From the currently submitted plans part of this proposed development (the Hygreen Hydrogen development) appears to be in what is previously identified as the 'Long Acres' site, and for which planning permission already granted has sought to preserve (both by record and where merited in situ) still extant remains of the 19th century iron (and steel) works. For example, planning decision notice R/2020/0822/ESM at condition 38 contains extensive archaeological requirements both before and on the commencement of development. The currently proposed cultural heritage assessment of the impact of works in the (potential) corridors to the south of the main site should therefore take the site(s) of these archaeological remains specifically into account where within the corridors

(4) 1 km for the study area is an industry standard distance for DBA direct effects. Given the size of this site the 1 km zone should be measured from the site boundary (in case of the main site), and from the centre line in the case of a pipeline easement (though again from the boundary of the easement where the easement is broader than 100 metres, or where several easements coalesce to form an area of such width or greater).

(5) Other data sources should be considered in addition to those cited in the Scoping Report:

- Historic Aerial Photographs (1930s-1970s) available from HE, Heritage Gateway, RCBC HER and Tees Archaeology HER (latter still holding relevant APs for this area)

- Large scale OS historic maps

- Geotechnical data arising from the site investigations informing ground stability for the current development (some input of new geotechnical data into the archaeological assessment)

(6) The DBA/relevant EA chapter should consider whether and to what extent any predetermination evaluation of below or above ground archaeological features is advisable

Business Growth Team

From a Business Growth perspective, we would welcome this proposed development which will positively contribute towards the Council's regeneration and climate change priorities, helping facilitate the path towards Net Zero.

The proposed development on Teesworks will deliver over 700+ jobs when at peak construction and create 15 new green energy jobs when fully operational, bringing welcome future employment opportunities including apprenticeships for residents.

We would welcome an opportunity to engage further on a local Skills and Employment Plan as highlighted within the scoping application, to explore maximising local labour and skills during the construction phase and beyond. Introductions to our local Grangetown Training and Employment Hub can be facilitated. We would also be keen to explore opportunities in supporting the applicant from a supply chain perspective.

Local Lead Flood Authority

The LLFA have reviewed the scoping documents and are happy to receive a future application based on the principle of scoping document and would recommend that future applications are based on the guidance set out in the Tees Valley Design Guide and the principle of the LLFA conditions 1,2 & 3 indicated below.

LLFA 1

Prior to the commencement of the development, or in such extended time as may be agreed in writing with the Local Planning Authority, details shall be submitted and approved of the surface water drainage scheme and the development shall be completed in accordance with the approved scheme. The design of the drainage scheme shall include;

- (i) Restriction of surface water greenfield run-off rates (QBAR value) with sufficient storage within the system to accommodate a 1 in 30 year storm.*
- (ii) Discharge point for the disposal of surface water.*
- (iii) The method used for calculation of the existing greenfield run-off rate shall be the ICP SUDS method.*

The design shall also ensure that storm water resulting from a 1 in 100 year event, plus climate change surcharging the system, can be stored on site with minimal risk to persons or property and without overflowing into drains, local highways or watercourses.

(iv) Full Micro Drainage design files (mdx files) including a catchment plan

(v) The flow path of flood waters for the site as a result on a 1 in 100 year event plus climate change

LLFA 2

Prior to the commencement of the development, or in such extended time that may be agreed with the Local Planning Authority, details of a Surface Water Drainage Management Plan shall be submitted and approved by the Local Planning Authority. The Management Plan shall include;

(i) The timetable and phasing for construction of the drainage system

(ii) Details of any control structure(s)

(iii) Details of surface water storage structures

(iv) Measures to control silt levels entering the system and out falling into any watercourse during the construction process The development shall, in all respects, be carried out in accordance with the approved Management Plan.

LLFA 3

The development shall not be occupied until a Management & Maintenance Plan for the surface water drainage scheme has been submitted to and approved by the Local planning Authority; the plan shall include details of the following;

(i) A plan clearly identifying the sections of surface water system that are to be adopted

(ii) Arrangements for the short and long term maintenance of the SuDS elements of the surface water system

Natural Heritage Manager

I would request/advise that all/any opportunities are taken to provide a net gain in biodiversity

Climate Change - Greener Future

We would agree with the Natural Heritage Manager and would like to see a minimum of 10% net biodiversity gain in line with legislation coming in later this year

(2) External Stakeholder responses

Natural England

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 07 March 2023, received 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.

A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant planning permission. Natural England notes and welcomes the proposed approach to the Environmental Statement described in the submitted EIA Regulations Regulation 15 report¹ and accompanying plans and maps. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Further guidance is set out in Planning Practice Guidance on environmental assessment, natural environment and climate change.

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

Please note that Natural England must be consulted on Environmental Statements.

Annex A – Natural England Advice on EIA Scoping

General Principles

Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases*
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development*
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen*
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors*

- *A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment*
- *A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment*
- *A non-technical summary of the information*
- *An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information*

Further guidance is set out in Planning Practice Guidance on environmental assessment and natural environment.

Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

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

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

We note and welcome presentation of relevant projects at section 6.1.296 et seq of the submitted Regulation 15 report and the undertaking to keep relevant projects under review during the ES' formulation.

Environmental data

Natural England is required to make available information it holds where requested to do so.

National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at www.magic.gov.uk.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

Biodiversity and Geodiversity

General principles

The National Planning Policy Framework (paragraphs 174-175 and 179-182) sets out how to take account of biodiversity and geodiversity interests in planning decisions. Further guidance is set out in Planning Practice Guidance on the natural environment.

The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment. Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. Guidelines have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Local planning authorities have a duty to have regard to conserving biodiversity as part of their decision making. Conserving biodiversity can include habitat restoration or enhancement. Further information is available [here](#).

Designated nature conservation sites

International and European or 'Habitat Sites'

The development site is within or may impact on the following European/internationally designated nature conservation site(s) ('Habitat Sites'):

- *Teesmouth & Cleveland Coast Special Protection Area (SPA) & Ramsar Site*
- *North Yorkshire Moors Special Area of Conservation (SAC) & SPA*

Habitat site conservation objectives are available at

<http://publications.naturalengland.org.uk/category/6490068894089216>

The ES should thoroughly assess the potential for the proposal to affect nationally and internationally designated sites of nature conservation importance, including marine sites where relevant. Habitat sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). In addition paragraph 181 of the National Planning Policy Framework (NPPF) requires that potential SPAs, possible SAC, listed or proposed Ramsar sites, and any site

identified or required as compensatory measures for adverse effects on habitat (European) sites, potential SPAs, possible SACs and listed or proposed Ramsar sites have the same protection as classified sites (NB. sites falling within the scope of regulation 8 of the Conservation of Habitats and Species Regulations 2017 are defined as 'habitats sites' in the NPPF). Under Regulation 63 of the Habitats Regulations, an appropriate assessment must be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a Habitat site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are qualifying features of the site, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a designated site, for example by being linked hydrologically or geomorphologically.

We note and welcome the submitted Regulation 15 report's reference to the nutrient neutrality theme in respect of the River Tees hydrological catchment.

Should a likely significant effect on a European/Internationally designated site be identified (either alone or in-combination) or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an appropriate assessment in addition to the consideration of impacts through the EIA process. Further guidance is set out in Planning Practice Guidance on appropriate assessment

<https://www.gov.uk/guidance/appropriate-assessment>

This should also take into account any agreed strategic mitigation solution that may be being developed or implemented in the area to address recreational disturbance, nutrients, or other impacts.

Nationally designated sites

The development site is within or may impact on the following Site of Special Scientific Interest:

- *Teesmouth & Cleveland Coast SSSI*

The development site is within the following National Nature Reserve:

- *Teesmouth National Nature Reserve*

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 and paragraph 180 of the NPPF. Further information on the SSSI and its special interest features can be found at www.magic.gov .

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are interest features of the SSSI, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a site, for example by being linked hydrologically or geomorphologically.

Regionally and Locally Important Sites

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local group and protected under the NPPF (paragraph 174 and 175). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and

opportunities for enhancement and improving connectivity with wider ecological networks. Contact the relevant local body for further information.

Protected Species

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System.

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted standing advice for protected species, which includes guidance on survey and mitigation measures . A separate protected species licence from Natural England or Defra may also be required.

District Level Licensing for Great Crested Newts

We note that this species has been scoped out of further consideration within the ES. The Council should satisfy itself that the stated absence of records for gt crested newt is correct.

District level licensing (DLL) is a type of strategic mitigation licence for great crested newts (GCN) granted in certain areas at a local authority or wider scale. A DLL scheme for GCN may be in place at the location of the development site. If a DLL scheme is in place, developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys. By demonstrating that DLL will be used, impacts on GCN can be scoped out of detailed assessment in the Environmental Statement.

Priority Habitats and Species

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found here. Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to download. Further information is also available here.

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)*
- Additional surveys carried out as part of this proposal*
- The habitats and species present*
- The status of these habitats and species (e.g. whether priority species or habitat)*
- The direct and indirect effects of the development upon those habitats and species*
- Full details of any mitigation or compensation measures*
- Opportunities for biodiversity net gain or other environmental enhancement*

Biodiversity net gain

Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.

The ES should use an appropriate biodiversity metric such as Biodiversity Metric 3.1 together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain. The metric should be used to:

- assess or audit the biodiversity unit value of land within the application area*
- calculate the losses and gains in biodiversity unit value resulting from proposed development*
- demonstrate that the required percentage biodiversity net gain will be achieved*

Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies.

Opportunities for wider environmental gains should also be considered.

Landscape and visual impacts

The environmental assessment should refer to the relevant National Character Areas. Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

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

The assessment should include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the National Design Guide and

National Model Design Code. The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

Heritage Landscapes

The ES should include an assessment of the impacts on any land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest. An up-to-date list is available at www.hmrc.gov.uk/heritage/lbsearch.htm.

Connecting People with nature

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Soils and Agricultural Land Quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line with paragraphs

174 and 175 of the NPPF. Further guidance is set out in the Natural England Guide to assessing development proposals on agricultural land.

As set out in paragraph 211 of the NPPF, new sites or extensions to sites for peat extraction should not be granted planning permission.

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted. This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.
- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction.

Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg)

[1].A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NOx and SO2 against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts on air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk).

Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
- Ammonia assessment for agricultural development <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
- Environment Agency Screening Tool for industrial emissions <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

Water Quality - including nutrient neutrality

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels. Further information can be obtained from the Local Planning Authority.

Climate Change

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. Nature-based solutions, such as providing green infrastructure on-site and in the surrounding area (e.g. to adapt to flooding, drought and heatwave events), habitat creation and peatland restoration, should be considered. The ES should set out the measures that will be adopted to address impacts.

Further information is available from the Committee on Climate Change's (CCC) Independent Assessment of UK Climate Risk, the National Adaptation Programme (NAP), the Climate Change Impacts Report Cards (biodiversity, infrastructure, water etc.) and the UKCP18 climate projections.

The Natural England and RSPB Climate Change Adaptation Manual (2020) provides extensive information on climate change impacts and adaptation for the natural environment and adaptation focussed nature-based solutions for people. It includes the Landscape Scale Climate Change Assessment Method that can help assess impacts and vulnerabilities on natural environment features and identify adaptation actions. Natural England's Nature Networks Evidence Handbook (2020) also provides extensive information on planning and delivering nature networks for people and biodiversity.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050. Natural England's Carbon Storage and Sequestration by Habitat report (2021) and the British Ecological Society's nature-based solutions report (2021) provide further information.

Contribution to local environmental initiatives and priorities

The ES should consider the contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains. This should include considering proposals set out in relevant local strategies or supplementary planning documents including landscape strategies, green infrastructure strategies, tree and woodland strategies, biodiversity strategies or biodiversity opportunity areas.

Cleveland Police

In relation to this Scoping Application. Applicant is encouraged to contact me in relation to advice, guidance I can offer in relation to designing out opportunities for crime to occur at any proposed facility.

Network Rail

With reference to the protection of the railway, the Environmental Statement should consider any impact of the scheme upon the railway infrastructure and upon operational railway safety. In particular, it should include a Transport Assessment to identify any HGV traffic/haulage routes that may utilise railway assets such as bridges and level crossings during the construction and operation of the site.

Please note that if the intention is to install cabling or a connection in support of the project through railway land, the developer will need an easement from Network Rail and we would recommend that they engage with us early in the planning of their scheme in order to discuss and agree this element of the proposals.

Health and Safety Executive

1. From the information provided it appears the development may store or process hazardous substances in quantities relevant to the potential for industrial major accidents with respect to The Planning (Hazardous Substances) Regulations 2015 and The Control of Major Accident Hazard (COMAH) Regulations 2015. Such major accidents are of low likelihood but could have significant effects on the population at the proposed development and on local populations.

The applicant should consider whether they need to apply for planning consent for the presence of hazardous substances under The Planning (Hazardous Substances) Regulations 2015. If planning consent for hazardous substances is required, HSE is a statutory consultee for such planning consent applications. The assessment done by HSE is complex and underpins HSE's statutory advice to the planning authority. It is aimed at mitigating the effects of a major accident on the population around a major hazard site.

Applicants should allow for 6-12 months to obtain a hazardous substances consent. In July 2012, as part of the government's response to the Penfold Review, HSE agreed to deliver its statutory

advice within 13 to 26 weeks rather than the 21-28 days set out in legislation. This reflects the detailed assessment work needed and HSE continues to work to those agreed timeframes. HSE has introduced a queuing system where applications are dealt with on a first come first served basis.

If an application is required, applicants can be directed to <https://www.hse.gov.uk/landuseplanning/applicationforms-hazardous-consent.htm> for help with putting the information relevant to HSE into a form format. Planning Authorities can consult HSE at this email address HazSubCon.cemhd5@hse.gov.uk If consulted on planning consent for hazardous substances, HSE considers the compatibility of representative major accidents at the proposed development (from HSE's assessment of the hazardous substances planning application) with existing development in the vicinity. For example, in general, what would be of concern to HSE in the vicinity of a hazardous substances site proposal are sensitive developments (hospitals, care homes, schools); dwelling units if close by or many; large populations of the general public.

If an application for hazardous substances consent is required, the compatibility with existing development in the vicinity should be considered by the applicant.

If hazardous substances planning consent is granted, early notification by the developer to HSE under the COMAH Regulations will most likely be required, depending on the specific circumstances.

2. The proposed development includes at least one pipeline conveying hydrogen. The provisions in Regulations 19 to 27 of the 1996 Pipeline Safety Regulations, including a requirement to notify HSE of a pipeline route before construction, apply to major accident hazard pipelines as defined in Schedule 2 of the Pipeline Safety Regulations.

3. The proposed development appears to intersect within HSE's land-use-planning consultation zones of a number of major accident hazard pipelines, including the CATS Pipeline PL774 operated by The Wood Group.

HSE suggests that an EIA should show that the operators of the pipelines have been consulted regarding the following issues or that these issues have been considered in the assessment:

- the development restricted area due to the pipeline*
- ensuring the integrity of the pipeline and protecting the pipeline from development and operational works.*

4. The proposed development is located within HSE's land-use-planning consultation zones for major hazard sites including the South Tees Site Co Ltd, Redcar and Fine Organics Ltd, Seal Sands. This indicates the proposed development could be vulnerable to harmful effects from an industrial major accident at the nearby major accident hazard establishment.

HSE's advice on the granting of planning permission for relevant development in zones set by HSE considers the issue of such accidents in the vicinity affecting people at the proposed development. That HSE advice can be obtained by the planning authority by using HSE's Land Use Planning Advice web app <https://pa.hsl.gov.uk/> . HSE offers pre-application advice to developers for a fee. That is via developer use of the web app or use of our preapplication advice service.

HSE's Land-use-planning Advice team is available to help with queries lupenquiries@hse.gov.uk

5. The development is not located within a safeguarding zone of an explosives site licensed under the Explosives Regulations 2014 or the Dangerous Goods in Harbour Area Regulations 2016.

6. If there is a major accident hazard establishment with no HSE consultation zones, in the vicinity of the proposed development, and you are concerned that the proposed development might increase the risk or consequences of a major accident at the existing establishment then please directly consult the operator of the establishment, as appropriate.

HSE realises that Environmental Risk Assessments are not expected to include general health and safety at work however we take this opportunity to point out that it may be beneficial for employer(s) to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet requirements of relevant health and safety legislation as the project progresses.

CATS Pipeline

CATS objects to the planning application. Further consultation is required due to buried assets in the area.

National Highways

National Highways has been engaged in consideration of a number of significant outline applications in this area recently and has agreements in place as to how their relationship with the Strategic Road Network (SRN) will be considered. An element of this application site now being scoped relates to the area covered by one of those outline applications. As such we would welcome discussions in relation to the assessment that will be required, with reference to the assessments of those outline applications. We look forward to discussing that in more detail in due course to ensure that the assessment is appropriate.

It is noted that the red line boundary includes an area at / in the vicinity of the A1053 / Trunk Road junction. Further detail in relation to this element will be required such that National Highways can confirm any requirements in relation to physical influences at the A1053 (which forms part of the Strategic Road network).

Information will be needed in relation to the construction stages of the development to ensure that appropriate consideration is given to the impacts during the construction stage.

Northern Gas Networks

NGN has a number of gas assets in the vicinity of some of the identified “site development” locations. It is a possibility that some of these sites could be recorded as Major Accident Hazard Pipelines(MAHP), whilst other sites could contain High Pressure gas and as such there are Industry recognised restrictions associated to these installations which would effectively preclude close and certain types of development. The regulations now include “Population Density Restrictions” or limits within certain distances of some of our “HP” assets.

The gas assets mentioned above form part of the Northern Gas Networks “bulk supply” High Pressure Gas Transmission” system and are registered with the HSE as Major Accident Hazard Pipelines. Any damage or disruption to these assets is likely to give rise to grave safety, environmental and security of supply issues.

NGN would expect your Council or any future developer to take these restrictions into account and apply them as necessary in consultation with ourselves.

We would be happy to discuss specific sites further or provide more details at your locations as necessary. If you give specific site locations, we would be happy to provide gas maps of the area which include the locations of our assets. (In terms of High Pressure gas pipelines, the routes of our MAHP's have already been lodged with members of your Planning Department)

SABIC

The proposed development appears to be located in the inner, middle and outer zone of the Major Accident Hazard Pipeline and defined by the HSE development control guidelines

In terms of the safety and engineering integrity of the pipeline I would advise you that SABIC is consulted should any work within 50m is to be carried out, as this would need approval from ourselves before any work is commenced.

Should planning consent be granted, we would require to consult fully with the developer prior to construction commencing on the site to agree an methos statement and ensure that our standard conditions for work in close proximity to the pipeline are met

In terms of responses outstanding , no comments have been received from Northumbrian Water; National Grid or STDC

Yours sincerely

A handwritten signature in black ink, appearing to read 'Adrian Miller', with a long horizontal flourish extending to the right.

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