



# Net Zero Teesside – Environmental Statement

Planning Inspectorate Reference: EN010103

## Volume III – Appendices

### Appendix 1B: EIA Scoping Opinion

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended)



Prepared by: **AECOM**



# **SCOPING OPINION:**

## **Proposed Teesside Cluster Carbon Capture & Usage Project**

**Case Reference: EN010103**

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Adopted by the Planning Inspectorate (on behalf of the Secretary of  
State pursuant to Regulation 10 of The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2017

**April 2019**

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# 1. INTRODUCTION

## 1.1 Background

- 1.1.1 On 20 February 2019, the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) received a scoping request from OGCi Climate Investments Holdings LLP (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Teesside Cluster Carbon Capture & Usage Project (the Proposed Development).
- 1.1.2 In accordance with Regulation 10 of the EIA Regulations, an Applicant may ask the SoS to state in writing its opinion *'as to the scope, and level of detail, of the information to be provided in the environmental statement'*.
- 1.1.3 This document is the Scoping Opinion (the Opinion) provided by the Inspectorate on behalf of the SoS in respect of the Proposed Development. It is made on the basis of the information provided in the Applicant's report entitled *"Teesside Cluster Carbon Capture & Usage Project - Application for a Scoping Opinion"* (the Scoping Report). This Opinion can only reflect the proposals as currently described by the Applicant. The Scoping Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.1.4 The Applicant has notified the SoS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development is EIA development.
- 1.1.5 Regulation 10(9) of the EIA Regulations requires that before adopting a scoping opinion the Inspectorate must take into account:
- (a) *any information provided about the proposed development;*
  - (b) *the specific characteristics of the development;*
  - (c) *the likely significant effects of the development on the environment; and*
  - (d) *in the case of a subsequent application, the environmental statement submitted with the original application.*
- 1.1.6 This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice towards preparation of an ES.
- 1.1.7 The Inspectorate has consulted on the Applicant's Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Appendix 2).
- 1.1.8 The points addressed by the Applicant in the Scoping Report have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Inspectorate will take account of relevant legislation and guidelines. The Inspectorate will not be precluded from requiring additional information if it

is considered necessary in connection with the ES submitted with the application for a Development Consent Order (DCO).

- 1.1.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.
- 1.1.10 Regulation 10(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) a plan sufficient to identify the land;*
  - (b) a description of the proposed development, including its location and technical capacity;*
  - (c) an explanation of the likely significant effects of the development on the environment; and*
  - (d) such other information or representations as the person making the request may wish to provide or make.*
- 1.1.11 The Inspectorate considers that this has been provided in the Applicant's Scoping Report. The Inspectorate is satisfied that the Scoping Report encompasses the relevant aspects identified in the EIA Regulations.
- 1.1.12 In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10 an ES accompanying an application for an order granting development consent should be based on *'the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)'*.
- 1.1.13 The Inspectorate notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2017. This assessment must be co-ordinated with the EIA in accordance with Regulation 26 of the EIA Regulations. The Applicant's ES should therefore be co-ordinated with any assessment made under the Habitats Regulations.

## **1.2 The Planning Inspectorate's Consultation**

- 1.2.1 In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1. The consultation bodies have been notified under Regulation 11(1)(a) of the duty imposed on them by Regulation 11(3) of the EIA Regulations to make information available to the Applicant relevant to the preparation of the ES. The Applicant should note that whilst the list can inform their consultation, it should not be relied upon for that purpose.

- 1.2.2 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, along with copies of their comments, at Appendix 2, to which the Applicant should refer in preparing their ES.
- 1.2.3 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.2.4 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Inspectorate's website. The Applicant should also give due consideration to those comments in preparing their ES.

### **1.3 Article 50 of the Treaty on European Union**

- 1.3.1 On 23 June 2016, the United Kingdom (UK) held a referendum and voted to leave the European Union (EU). On 29 March 2017 the Prime Minister triggered Article 50 of the Treaty on European Union, which commenced a two year period of negotiations regarding the UK's exit from the EU. On 26 June 2018 The European Union (Withdrawal) Act 2018 received Royal Assent and work to prepare the UK statute book for Brexit has begun. The European Union (Withdrawal) Act 2018 will make sure that UK laws continue to operate following the UK's exit. There is no immediate change to legislation or policy affecting national infrastructure. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament.

## **2. THE PROPOSED DEVELOPMENT**

### **2.1 Introduction**

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

### **2.2 Description of the Proposed Development**

- 2.2.1 The Applicant's description of the Proposed Development, including its technical capacity and its location, is provided in sections 2 and 3 of the Scoping Report. The location of the application site and the different components of the Proposed Development are illustrated on Figures 1 to 4 of Appendix A of the Scoping Report. The application site is located within the administrative boundaries of Redcar and Cleveland Borough Council (RCBC) and Stockton on Tees Borough Council (STBC).
- 2.2.2 The Proposed Development comprises the onshore works of a full chain Carbon Capture Usage and Storage (CCUS) project. It includes the construction and operation of a gas-fired Combined Cycle Gas Turbine (CCGT) generating station with a net electrical output of up to 2,100 MW. The generating station would require a gas and water supply, an electrical grid connection and water discharge pipes.
- 2.2.3 The Proposed Development would incorporate equipment to capture carbon dioxide (CO<sub>2</sub>) emissions from the generating station. It would also include infrastructure to allow for the future receipt of CO<sub>2</sub> from other industrial sources on Teesside, via a network of CO<sub>2</sub> gathering pipes.
- 2.2.4 The CO<sub>2</sub> would be transported from the gathering station to an offshore storage site via a high-pressure pipeline. The offshore works (from Mean Low Water Springs), including the sub-sea CO<sub>2</sub> pipeline and storage site, would be consented separately and will not form part of the DCO for the Proposed Development.
- 2.2.5 The generating station, CO<sub>2</sub> capture equipment, cooling, transformers and auxiliary equipment would comprise the "Main Site" of the Proposed Development and would be located on the former Sahaviriya Steel Industries (SSI) site on the south bank of the River Tees estuary. The SSI site was previously used for iron and coke manufacture and comprises large scale plant and buildings with open areas of land previously utilised for raw materials storage and processing. The indicative boundary of the Main Site encompasses an area of approximately 52 hectares within the SSI site.
- 2.2.6 The Main Site is located within an industrial area with a closed iron-making plant and the operational Redcar Bulk Terminal located to the northwest; the Northumbrian Water Bran Sands sewage treatment plant, operational land of PD Ports Teesport and the Wilton International industrial complex to the south;

and similar industrial complexes to the west. To the northeast of the Main Site are the coastal areas of South Gare and Cotham Sands which form part of the Teesmouth and Cleveland Coast Special Protection Area (SPA), proposed SPA (pSPA) extension and Ramsar site.

- 2.2.7 As illustrated on Figures 2-4 of the Scoping Report, corridors have been identified for the gas, electrical and water connections and the CO<sub>2</sub> gathering pipes network; these are routed primarily through industrial complexes and along existing roads. The gas connection corridors and the CO<sub>2</sub> gathering pipe network would cross the River Tees. The water connection corridor extends out into the Tees Bay.

## 2.3 The Planning Inspectorate's Comments

### Description of the Proposed Development

- 2.3.1 The description of the Proposed Development within the Scoping Report is high level at this stage, with many details to be determined through technical and feasibility studies and consultation with other parties. In particular, the following are yet to determined:
- whether an overhead or underground electricity connection<sup>1</sup> would be installed;
  - whether existing utilities to cross the River Tees for the CO<sub>2</sub> gathering network and gas connection, or construction of a new crossing<sup>2</sup> would be used;
  - whether existing water discharge outfalls and water abstraction infrastructure, or construction of new infrastructure would be used;
  - whether Selective Catalytic Reduction (SCR) equipment would be installed;
  - the final routes of the CO<sub>2</sub> gathering network, electrical connection, gas connection and water connection; and
  - the cooling technology to be installed.
- 2.3.2 The wide range of options still under consideration has limited the Inspectorate's ability to provide meaningful comments on the project description and the resultant likely significant effects. The potential impacts of the Proposed Development could vary quite substantially depending on the chosen technologies/construction methodologies.
- 2.3.3 The Inspectorate notes that the early determination of options will support a more robust assessment of likely significant effects and provide certainty to those likely to be affected. The Inspectorate expects that at the point when an application is made, the description of the proposed structures will be

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<sup>1</sup> Paragraph 1.10 of the Scoping Report state the electrical connection '*may be an overhead line*'. The Inspectorate has therefore assumed it may also be underground.

<sup>2</sup> The Scoping Report is silent on whether the electrical connection could also utilise the existing tunnels under the River Tees.

sufficiently developed to include the design, size and locations of the different elements of the Proposed Development. This should include the footprint and maximum heights of all proposed structures (relevant to existing ground levels) as well as land-use requirements for all phases and elements of the development.

- 2.3.4 The description should be supported (as necessary) by figures, cross-sections and drawings which should be clearly and appropriately referenced. Where flexibility is sought, the ES should clearly set out the design parameters that would apply, and how these have been used to inform an adequate assessment in the ES.
- 2.3.5 Should an overhead line be chosen for the electrical connection, the Inspectorate expects the Applicant to determine the locations of individual pylons and any other associated development.
- 2.3.6 Paragraph 6.20 of the Scoping Report states that dispersion modelling will be used to determine the most appropriate height for the generating station stacks. To ensure a robust assessment of likely significant effects, the ES should confirm the maximum number, height and diameter of the stacks. It should be clear what assumptions have been made in the relevant ES assessments regarding the placement of the stacks, particularly with regards to the air quality modelling and the landscape and visual assessment.
- 2.3.7 Paragraph 2.3 of the Scoping Report states that the connection routes shown within Figure 4 are indicative corridors; the Inspectorate welcomes the Applicants intention to refine these routes. These should be clearly detailed within the ES and the methods used for their construction should be described in order to allow for a robust assessment of likely significant effects and provide certainty to those likely to be affected.
- 2.3.8 The Scoping Report does not include details of any potential phasing for the Proposed Development. The ES should include details of how construction would be phased across the application site, including the likely commencement date, duration and location of construction activities (including construction compounds). The ES should describe all potential phasing scenarios, establish the worst case scenario applicable to each relevant aspect/matter and assess the resultant likely significant effects. The assessment should consider the potential for construction impacts associated with later phases of the development to interact with operational impacts of the earlier phases, if relevant.
- 2.3.9 The ES should explain any assumptions applied in the assessment, including those that relate to the phasing of construction. The ES should (with reference to the draft DCO (dDCO)) also explain how any such assumptions have been secured to ensure that the relevant likely significant effects have been assessed.
- 2.3.10 The Applicant should describe any production processes, including energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used. The likely significant effects associated with any particular technologies or substances proposed to be used should be described and assessed.

- 2.3.11 The Scoping Report does not contain any details regarding the operational lifetime of the Proposed Development; this should be included within the ES along with a description of the anticipated operational maintenance activities.
- 2.3.12 It is not clear from the Scoping Report whether the dDCO would permit the generating station component of the Proposed Development to operate independently of the carbon capture and storage elements; this should be clarified within the ES.
- 2.3.13 It is acknowledged that the offshore elements of the CCUS project would be consented separately. However, in order to understand the CCUS project in its entirety and to enable a robust assessment of cumulative effects, the ES should provide a description of the offshore elements of the project and explain how the consents necessary to deliver the project would interact.

### **Alternatives**

- 2.3.14 The EIA Regulations require that the Applicant provide 'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.
- 2.3.15 The Inspectorate acknowledges the Applicant's intention to consider alternatives within the ES. The Inspectorate would expect to see a discrete section in the ES that provides details of the reasonable alternatives studied and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

### **Flexibility**

- 2.3.16 The Inspectorate notes the Applicant's desire to incorporate flexibility into their draft DCO (dDCO) and its intention to apply a Rochdale Envelope approach for this purpose. Where the details of the Proposed Development cannot be defined precisely, the Applicant will apply a worst case scenario. The Inspectorate welcomes the reference to the Planning Inspectorate Advice Note nine 'Using the 'Rochdale Envelope' in this regard.
- 2.3.17 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters will need to be clearly defined in the dDCO and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.



- 2.3.18 It should be noted that if the Proposed Development materially changes prior to submission of the DCO application, the Applicant may wish to consider requesting a new scoping opinion.

## **3. ES APPROACH**

### **3.1 Introduction**

- 3.1.1 This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. General advice on the presentation of an ES is provided in the Inspectorate's Advice Note Seven 'Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements'<sup>3</sup> and associated appendices.
- 3.1.2 Aspects/ matters (as defined in Advice Note Seven) are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.
- 3.1.3 The Inspectorate has set out in this Opinion where it has/ has not agreed to scope out certain aspects/ matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such aspects/ matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/ matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 3.1.4 Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

### **3.2 Relevant National Policy Statements (NPSs)**

- 3.2.1 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendation to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.
- 3.2.2 The Scoping Report states that the designated NPSs relevant to the Proposed Development are the:
- Overarching NPS For Energy (NPS EN-1);
  - NPS for Fossil Fuel Electricity Generating Infrastructure (NPS EN-2);
  - NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (NPS EN-4); and

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<sup>3</sup> Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements and annex. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- NPS for Electricity Networks Infrastructure (NPS EN-5).

### **3.3 Scope of Assessment**

#### **General**

- 3.3.1 The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:
- to demonstrate how the assessment has taken account of this Opinion;
  - to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;
  - to set out the proposed mitigation and/ or monitoring measures including cross-reference to the means of securing such measures (eg a dDCO requirement);
  - to describe any remedial measures that are identified as being necessary following monitoring; and
  - to identify where details are contained in the Habitats Regulations Assessment (HRA report) (where relevant), such as descriptions of European sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.
- 3.3.2 The Applicant should note that in accordance with Regulation 5 of the EIA Regulations, EIA is a process which includes the preparation of the ES but also includes those matters there specified.
- 3.3.3 The Scoping Report has not identified study areas for some of the aspect chapters. The Inspectorate recommends that the physical scope of the study areas should be identified for all the environmental aspects of the ES and should be sufficiently robust in order to undertake the assessment. The ES should justify the extent of the study areas on the basis of recognised professional guidance (whenever such guidance is available) and the extent of the likely impacts, with reference to relevant models or approaches such as traffic modelling or Zones of Theoretical Visibility (ZTV). The Applicant should seek to agree study areas with the relevant consultation bodies and where this is not possible, this should be stated clearly in the ES and reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.
- 3.3.4 With reference to the Inspectorate's comments in section 2 of this Opinion, there is limited detail on the Proposed Development within the Scoping Report. The Inspectorate considers that the level of uncertainty regarding specific elements of the project (eg those identified in paragraph 2.3.1 of this Opinion) affects the ability to provide a detailed scope of assessment in relation to those elements of the scheme.

### **Baseline Scenario**

- 3.3.5 The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.
- 3.3.6 The description of the baseline conditions in the aspect sections of the Scoping Report is generally focused on the Main Site. The ES should describe the baseline conditions across the entirety of the application site. The Applicant should make effort to agree the scope of the baseline surveys with relevant consultation bodies.
- 3.3.7 The Scoping Report provides a broad description of the SSI site, however the existing land use within the Main Site itself has not been explicitly identified; this should be clearly explained within the ES.
- 3.3.8 The Scoping Report states that any structures currently within the Main Site are expected to be demolished and cleared prior to construction and that historic contamination would be remediated by the current operator of the SSI site. As the demolition of existing structures and remediation of the land could have implications for the baseline environment, the ES should clearly identify the circumstances upon which the baseline has been established. Where surveys are undertaken, it should be clear whether these were prior to, during, or after demolition of existing structures/remediation of the land and any assumptions made with regards to the baseline environment should be clearly set out.
- 3.3.9 The Scoping Report states that demolition works will not form part of the Proposed Development or DCO application, however it is not clear whether powers for remediation works will be requested. Should the Applicant decide to include these powers, it should assess any likely significant effects of these activities within the ES.
- 3.3.10 The Scoping Report does not include any figures depicting the locations of any of the identified receptors. The ES should include such figures to aid in the understanding of the environmental baseline.
- 3.3.11 The Scoping Report lists a number of ongoing developments within the vicinity of the Proposed Development application site in paragraphs 6.148 to 6.152; the ES should clearly state which developments are assumed to be under construction or operational as part of the future baseline.
- 3.3.12 The Inspectorate welcomes that the future baseline conditions will be described within the ES. The ES should clearly identify the time period that has been assumed for the future baseline.

### **Forecasting Methods or Evidence**

- 3.3.13 The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.

- 3.3.14 The Scoping Report identifies potential impacts which may be associated with the Proposed Development at a somewhat high level; this has limited the ability of the Inspectorate to provide comments in this regard. The Applicant should ensure that a detailed description of the likely significant effects is included within the ES.
- 3.3.15 The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Clear descriptors for the different levels of impact magnitude and receptor sensitivity should be provided. Any departure from that methodology should be described in individual aspect assessment chapters.
- 3.3.16 Paragraph 7.12 of the Scoping Report states that the significance of effects before and after mitigation will be evaluated; however, paragraph 7.22 is ambiguous as to whether significance of effects would be determined before mitigation. For the avoidance of doubt, the Inspectorate advises that the ES reports on the significance of effects both before and after mitigation is applied.
- 3.3.17 The Scoping Report has separate sections identifying environmental receptors within the vicinity of the different elements of the Proposed Development (ie the Main Site and the connection corridors). Likely significant synergistic effects should be assessed where a receptor could be impacted by more than one element of the Proposed Development.
- 3.3.18 The ES should identify where professional judgement has been applied in the assessment of effects, with clear justifications provided for the conclusions that are drawn. The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.
- 3.3.19 The Scoping Report has made brief references to assessing impacts from decommissioning. The ES should confirm the anticipated lifespan of the Proposed Development and a worst case scenario should be used to inform the assessment of the decommissioning phase. Any assumptions or limitations should be clearly identified.

### **Residues and Emissions**

- 3.3.20 The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.
- 3.3.21 The Inspectorate considers that of the above listed residues and emissions, those relevant to the Proposed Development which have not been addressed in the Scoping Report are light, heat and waste. The ES should assess these impacts, where significant effects are likely.

### **Mitigation**

- 3.3.22 Specific mitigation measures relating to the different environmental aspects have generally not been identified at this stage. The Inspectorate expects that as the design process for the Proposed Development progresses, mitigation measures will be identified and advises that the Applicant seeks to agree these with the relevant consultation bodies.
- 3.3.23 Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The Applicant is advised to present the significance of effects both prior to and following the application of mitigation. This is necessary to allow the reader to understand the efficacy (in assessment terms) of the proposed mitigation measures and therefore what would happen if any of the proposed mitigation should fail or not be delivered.
- 3.3.24 The ES should also address how any mitigation proposed is secured, with reference to specific DCO requirements or other legally binding agreements.

### **Risks of Major Accidents and/or Disasters**

- 3.3.25 The ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development. The Applicant should make use of appropriate guidance (e.g. that referenced in the Health and Safety Executives (HSE) Annex to Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development's potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural heritage or the environment. Any measures that will be employed to prevent and control significant effects should be presented in the ES.
- 3.3.26 Relevant information available and obtained through risk assessments pursuant to European Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.
- 3.3.27 The Applicant's attention is drawn to Table 4.13 of this Opinion, which contains further comments on the proposed approach to assessing major accidents and disasters.

### **Climate and Climate Change**

- 3.3.28 The Inspectorate welcomes the Applicant's intention to assess significant effects associated with climate change in the ES. The ES should include a description

and assessment (where relevant) of the likely significant effects the Proposed Development has on climate (for example having regard to the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of materials or construction and design techniques that will be more resilient to risks from climate change.

- 3.3.29 The Applicant's attention is drawn to Table 4.2 of this Opinion, which contains further comments on the proposed approach to assessing climate change.

### **Transboundary Effects**

- 3.3.30 Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The Scoping Report has not indicated whether the Proposed Development is likely to have significant impacts on another European Economic Area (EEA) State.
- 3.3.31 Regulation 32 of the EIA Regulations inter alia requires the Inspectorate to publicise a DCO application on behalf of the SoS if it is of the view that the proposal is likely to have significant effects on the environment of another EEA state, and where relevant, to consult with the EEA state affected.
- 3.3.32 The Inspectorate considers that where Regulation 32 applies, this is likely to have implications for the examination of a DCO application. The Inspectorate recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

### **A Reference List**

- 3.3.33 A reference list detailing the sources used for the descriptions and assessments must be included in the ES.

## **3.4 Confidential Information**

- 3.4.1 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Inspectorate would be required to disclose under the Environmental Information Regulations 2004.

## 4. ASPECT BASED SCOPING TABLES

### 4.1 Air Quality

(Scoping Report paragraphs 6.2-6.24)

| ID    | Ref | Applicant's proposed matters to scope out                        | Inspectorate's comments  |
|-------|-----|--|--|
| 4.1.1 | n/a | Emissions to air from operation of the connection infrastructure | <p>The Scoping Report does not explicitly propose to scope out emissions to air associated with the operation of the CO<sub>2</sub> gathering network, gas connection, electrical connection and water connections; however, it does not propose to assess this matter.</p> <p>For the avoidance of doubt and having regard to the nature of the Proposed Development and activities during the operational phase, the Inspectorate does not consider that the operation of the CO<sub>2</sub> gathering network, gas connection, electrical connection or water connections would be likely to result in significant effects in terms of emissions to air. This matter can be scoped out of the ES.</p>   |
| 4.1.2 | n/a | Emissions to air from operational phase traffic                  | <p>The Scoping Report does not explicitly propose to scope out emissions to air from operational phase traffic; however, it does not specifically propose to assess this matter.</p> <p>The Inspectorate notes from paragraph 6.100 of the Scoping Report that during operation there would be a work force of approximately 100 people travelling to and from site on a shift basis, that fuel would be delivered by pipeline and other operational and maintenance consumables would be kept as low as reasonably practicable. On this basis, the Inspectorate considers that emissions to air from operational phase traffic are unlikely to result in significant effects and as such this matter can be scoped out of the assessment. However, the ES should assess any likely significant cumulative</p> |



| ID | Ref | Applicant's proposed matters to scope out | Inspectorate's comments   |
|----|-----|---|---|
|    |     |   | effects from operational traffic emissions with other developments including the Tees CCPP. |

| ID    | Ref                         | Other points                                     | Inspectorate's comments  |
|-------|-----------------------------|--|--|
| 4.1.3 | Para 6.5                    | Impacts to Air Quality Management Areas (AQMA's) | <p>The Scoping Report states that there are no AQMA's designated within the administrative boundaries of RCBC, STBC or the adjoining Hartlepool Borough Council.</p> <p>The study area has not yet been defined. If AQMA's are identified within the study area (which should include all components of the Proposed Development), any likely significant effects on AQMA's or the delivery of their action plans should be assessed within the ES.</p>  |
| 4.1.4 | Paras 6.8, 6.10 & Table 6.1 | Baseline   | <p>The Applicant proposes to determine baseline air quality from available local authority monitoring data (including an RCBC continuous monitoring station and RCBC diffusion tubes) and Defra background air quality maps.</p> <p>The Scoping Report refers to RCBC NO<sub>2</sub> monitoring data from 2014 and 2015 and Defra background air quality maps from 2016 (however the footnote to Table 6.1 states that the data is from 2013). The Applicant should ensure that the most recent and relevant monitoring data available is presented within the ES.</p> <p>The ES should identify the locations of the local authority monitoring stations and diffusion tubes on a plan.</p> |
| 4.1.5 | Paras 6.6 - 6.10            |  | <p>The Applicant has not proposed to undertake any site-specific monitoring to determine the baseline of nitrogen dioxide (NO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>). However, it is noted that RCBC monitoring data largely relates to the monitoring of roadside NO<sub>2</sub> emissions.</p>  |

| ID    | Ref       | Other points                        | Inspectorate's comments   |
|-------|-----------|-------------------------------------|---|
|       |           |                                     | <p>The Applicant should make effort to discuss the adequacy of the available baseline data with the relevant consultation bodies to ensure it is robust and representative of the baseline conditions (in particular the RCBC continuous monitoring station and diffusion tube data). Any monitoring data available from STBC should be used in addition to the RCBC data.</p> <p>If the available data is not considered to be robust, the Applicant should make effort to discuss and agree a proportionate approach to establishing the baseline with the relevant consultation bodies. If necessary, the Applicant should undertake site-specific monitoring. The ES should fully justify the approach taken.</p> |
| 4.1.6 | Para 6.12 | Scope of the assessment             | <p>The Scoping Report proposes to assess the effects of emissions from vehicles, construction dust and mobile plant exhaust emissions associated with construction and decommissioning of the generating station, capture plant, gas connection and electrical connection.</p> <p>The ES should also assess emissions (including dust) from activities associated with construction and decommissioning of the water connection and CO<sub>2</sub> gathering pipeline network, where significant effects are likely.</p>  |
| 4.1.7 | Para 6.16 | Selective Catalytic Reduction (SCR) | <p>The Scoping Report states that SCR could potentially be applied to the Proposed Development and could result in emissions of ammonia and/or amines and amine degradation products. The Applicant should make effort to agree Best Available Technology (BAT) with the Environment Agency and should follow the advice set out in the Planning Inspectorate's Advice Note 11 (see Annex D) regarding parallel-tracking of the environmental permit and DCO applications.</p>  |

| ID     | Ref             | Other points                       | Inspectorate's comments  |
|--------|-----------------|------------------------------------|--|
|        |                 |                                    | If the Applicant has not determined whether SCR would be utilised by the point of application, the ES should identify and assess the worst case scenarios for NO <sub>x</sub> and ammonia both with and without SCR.   |
| 4.1.8  | Paras 6.17-6.20 | Air dispersion modelling           | <p>Paragraph 6.20 of the Scoping Report explains that a stack height assessment will be undertaken to establish an 'appropriate height' for the stacks. The Inspectorate advises that a similar assessment is undertaken in relation to stack diameter. A description of the methods used for determining the stack height and diameter should be included within the ES, including any decisions regarding BAT and any sensitivity testing which has been undertaken.</p> <p>The ES should clearly explain the assumptions that have been made in the air quality assessment regarding the number, placement, height and diameter of the stack(s) and the Applicant should ensure these parameters are reflected in the dDCO.</p>   |
| 4.1.9  | Para 6.21       | Study areas                        | <p>Study areas are proposed in relation to the assessment of changes in air quality to designated ecological sites. However, specific study areas are not defined in relation to other potential impacts from emissions to air (such as dust and traffic).</p> <p>The Applicant should make effort seek to agree the study areas used in the assessment with relevant consultation bodies and these should be justified within the ES, with reference to relevant guidance and the extent of the likely impacts.</p> <p>In relation to impacts from traffic emissions, study areas should be sufficient to encompass all routes in the local transport network on which air quality could be significantly affected from increased construction and decommissioning traffic.</p> |
| 4.1.10 | Para 6.23       | Impacts from dust and mobile plant | The ES should assess impacts from construction dust and mobile plant to sensitive receptors (both on and off-site), including  |

| ID     | Ref       | Other points          | Inspectorate's comments  |
|--------|-----------|-----------------------|--|
|        |           |                       | designated ecological sites, with the potential to result in likely significant effects.   |
| 4.1.11 | Para 6.24 | Significance criteria | The quantitative significance criteria for the assessment of air quality matters should be set out within the ES.  |
| 4.1.12 | n/a       | Sensitive receptors   | The Scoping Report has not identified any specific receptors which are sensitive to changes in air quality. The Applicant should justify the choice of receptor locations with reference to the extent of the likely impacts and seek to agree these with the relevant consultation bodies. This should include locations on both sides of the River Tees, on access roads, Public Rights of Way (PRoW) and ecological sites. The receptor locations should be identified on a plan accompanying the ES. |
| 4.1.13 | n/a       | Monitoring            | The Applicant should set out in the ES any proposals for long term air quality monitoring of emissions from the Proposed Development; including any provision for potential remedial action. If monitoring would be undertaken as a condition of an environmental permit, this should be explained.  |

## 4.2 Climate Change

(Scoping Report paragraphs 6.25-6.27)

| ID    | Ref | Applicant's proposed matters to scope out                                  | Inspectorate's comments  |
|-------|-----|--|--|
| 4.2.1 | n/a | Assessment of climate change impacts from construction and decommissioning | <p>The focus of paragraphs 6.25-6.27 of the Scoping Report is on operational impacts; it is not clear whether an assessment of climate change impacts from construction and decommissioning is proposed.</p> <p>The ES should explain how climate change impacts from construction and decommissioning of the Proposed Development (for example, greenhouse gas (GHG) emissions) have been considered and assess any likely significant effects.</p> |

| ID    | Ref               | Other points        | Inspectorate's comments  |
|-------|-------------------|---------------------|--|
| 4.2.2 | Paras 6.25 – 6.27 | GHG emissions       | <p>The ES should quantify the GHG emissions relating to the Proposed Development. The calculation methods used should be explained.</p> <p>The ES should state any assumptions made in calculating the predicted GHG emissions, any limitations to the calculations and any uncertainties this presents for the assessment of GHG emissions.</p> <p>Should the DCO allow for the generating station component of the Proposed Development to operate independently of the carbon capture and storage elements, a worst case assessment of likely significant effects should be undertaken.</p> |
| 4.2.3 | n/a               | Sensitive receptors | The sensitive receptors for the purposes of the climate change assessment should be set out and justified in the ES. The   |

| ID    | Ref | Other points                        | Inspectorate's comments  |
|-------|-----|-------------------------------------|--|
|       |     |                                     | susceptibility or resilience of the identified receptors to climate change must be considered as well as the value of the receptor.  |
| 4.2.4 | n/a | Significance criteria               | The Scoping Report does not set out how a significant effect would be determined for the purposes of the climate change assessment. This should be clearly set out in the ES. Any use of professional judgement to assess significance should be fully justified within the ES.                                    |
| 4.2.5 | n/a | Climate change risks and adaptation | The ES should describe any potential impacts from changes in rainfall, flood risk, temperature, humidity and wind speed (including resilience to such impacts) with reference to the UKCP18 and the anticipated lifespan of the Proposed Development. If significant effects are likely, these should be assessed. |

## 4.3 Hydrology and Water Resources

(Scoping Report paragraphs 6.28-6.40)

| ID    | Ref | Applicant's proposed matters to scope out | Inspectorate's comments   |
|-------|-----|---|---|
| 4.3.1 | n/a | n/a                                       | No matters have been proposed to be scoped out of the assessment. |

| ID    | Ref            | Other points                    | Inspectorate's comments   |
|-------|----------------|---------------------------------|---|
| 4.3.2 | Para 3.32-3.33 | Water abstraction and discharge | Should existing abstraction and discharge assets be utilised, there will need to be a clear description and assessment within the ES as to the reliance on existing infrastructure, quantities and licenses and how these will vary in the context of the Proposed Development.   |
| 4.3.3 | Para 6.35      | Changes to surface water flows  | It is not clear why the Scoping Report has identified the potential for changes to surface water flows during the construction phase within Flood Zones 2 and 3 only, when the Main Site is located within Flood Zone 1. Changes to surface water flows during construction should be assessed where significant effects are likely.<br><br>The ES should also clarify the term ' <i>temporary changes</i> '. |
| 4.3.4 | Para 6.35      | Functional floodplain           | The Proposed Development includes works within Flood Zone 3. The ES should demonstrate that the Proposed Development would not result in a net loss of floodplain storage and would not impede water flows.   |
| 4.3.5 | Para 6.37      | Flood Risk Assessment           | All potential sources of flooding which could result in likely significant effects should be assessed in the ES. Consideration should be given to the potential for groundwater, surface water, sewer, tidal and fluvial flooding across all components of the Proposed Development.  |

| ID     | Ref       | Other points                    | Inspectorate's comments   |
|--------|-----------|---------------------------------|---|
| 4.3.6  |           |                                 | The assessment of flood risk should take into account the most recent climate change allowances <sup>4</sup> .  |
| 4.3.7  |           |                                 | Figure 4 of the Scoping Report presents two options for water connections, both of which are located within tidal waters. The ES should include an assessment of impacts to tidal flooding from the Proposed Development, where significant effects are likely.   |
| 4.3.8  |           |                                 | The Applicant should make effort to discuss and agree the need for detailed consideration of flood warning and evacuation plans with relevant consultation bodies.  |
| 4.3.9  | Para 6.39 | Water Framework Directive (WFD) | <p>The Inspectorate welcomes that the ES will consider potential impacts from the direct discharge of effluents and/or cooling water under the WFD and notes that the following waterbodies could be impacted:</p> <ul style="list-style-type: none"> <li>• Tees Estuary WFD waterbody;</li> <li>• Tees Estuary (S Bank) WFD waterbody; and</li> <li>• Tees Coastal WFD waterbody.</li> </ul> <p>The ES should assess impacts on water quality, hydromorphology and geomorphology where significant effects are likely.</p> <p>The Applicant's attention is drawn to the Inspectorate's Advice Note Eighteen: The Water Framework Directive for further advice on undertaking a WFD assessment.</p> |
| 4.3.10 | n/a       | Assessment methodology          | There is a potential for impacts to water quality from effluent and/or cooling water; consideration should be given to both thermal and chemical changes to water. Thermal modelling should be undertaken   |

<sup>4</sup> <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>



| ID     | Ref | Other points          | Inspectorate's comments   |
|--------|-----|-----------------------|---|
|        |     |                       | <p>and should take into account sea temperature rise due to climate change over the operational lifespan of the Proposed Development. Cumulative effects from all other thermal discharges within the Tees estuary should be considered.</p> <p>Relevant cross reference should be made to the Ecology and Nature Conservation chapter within the ES.</p>   |
| 4.3.11 | n/a | Watercourse crossings | <p>The Scoping Report states that the method for crossing the River Tees for the gas connection and CO<sub>2</sub> gathering network is still under discussion, however there is no indication of whether any other watercourse crossings would be required.</p> <p>The Inspectorate expects the ES (and the FRA) to fully assess the impacts associated with the chosen crossing methods and any culverts or diversion to ordinary and main watercourses that may be required.</p> |
| 4.3.12 | n/a | Drainage              | The ES should describe the drainage arrangements for both the construction and operational phase of the Proposed Development.   |
| 4.3.13 | n/a | Coastal processes     | The Scoping Report has not considered the potential impacts to coastal processes from any of the offshore works; any likely significant effects from the Proposed Development should be assessed within the ES.   |
| 4.3.14 | n/a | Receptors             | The Scoping Report figures show reservoirs close to the electrical connection corridors around Lazenby; however, these have not been identified as environmental receptors in Chapter 2 of the Scoping Report. Any likely significant effects on these receptors should be identified and assessed within the ES.   |

## 4.4 Geology and Hydrogeology

(Scoping Report paragraphs 6.41-6.52)

| ID    | Ref | Applicant's proposed matters to scope out | Inspectorate's comments   |
|-------|-----|---|---|
| 4.4.1 | n/a | n/a                                       | No matters have been proposed to be scoped out of the assessment. |

| ID    | Ref               | Other points   | Inspectorate's comments   |
|-------|-------------------|--|---|
| 4.4.2 | Paras 6.44 & 6.45 | Source Protection Zones (SPZs), Drinking Water Protected Areas/Safeguard Zones and licensed groundwater abstractions | <p>The Scoping Report states that there are no SPZs, Drinking Water Protected Areas/Safeguard Zones and licensed groundwater abstractions 'near' or 'in the vicinity of' the SSI site.</p> <p>The ES should avoid the use of imprecise terms such as 'near' or 'in the vicinity of' and should confirm the absence.</p> <p>The study area has not yet been defined. If these receptors are identified within the study area (which should include all components of the Proposed Development), any likely significant effects should be assessed within the ES.</p> |
| 4.4.3 | Para 6.46         | Historic contamination   | The Applicant states that the current operator of the SSI site intends to address any historic contamination prior to commencement of the Proposed Development. Whilst this is noted, unless there are assurances that this would take place, the Applicant should assess a worst case scenario whereby existing contamination is not remediated. Any necessary remediation measures should be identified and associated impacts assessed within the ES.  |
| 4.4.4 | Paras 6.49-6.50   | Desk based assessment  | The assessment in the ES should follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by   |

| ID    | Ref       | Other points                             | Inspectorate's comments  |
|-------|-----------|--|--|
|       |           |  | contamination. The ES should also refer to the Environment Agency's guiding principles for land contamination in assessing risks to controlled waters.   |
| 4.4.5 | Para 6.47 | Baseline – connection corridors          | The Scoping Report states that the baseline conditions for the connections will be determined when there is greater certainty as to their routes. The Inspectorate expects a thorough description of the baseline to be provided within the ES for the application site in its entirety.   |
| 4.4.6 | n/a       | River Tees                               | No details have been provided in the Scoping Report regarding the baseline conditions under the River Tees. Should works be required within/under the river, the Inspectorate would expect the ES to include a detailed baseline description and a robust assessment of the likely significant effects from the river crossing.                            |
| 4.4.7 |           |  | Should the River Tees be crossed by tunnelling methodology, information should be provided on the storage and disposal of spoil from these works.  |
| 4.4.8 | n/a       | Construction methodologies - connections | Should overhead pylons be constructed, the ES should detail the location, depth and number of piled foundations.<br><br>If piling or trenching takes place around areas of contaminated land, the ES should assess the likely effects and if necessary provide mitigation measures that would be required to protect sensitive receptors e.g. groundwater. |
| 4.4.9 | n/a       | Reinstatement                            | The ES should detail how the Applicant would ensure successful reinstatement of land that is temporarily affected during the construction phase.   |

## 4.5 Noise and Vibration

(Scoping Report paragraphs 6.53-6.68)

| ID    | Ref       | Applicant's proposed matters to scope out    | Inspectorate's comments  |
|-------|-----------|--|--|
| 4.5.1 | Para 6.67 | Operational noise and vibration from traffic | <p>Although paragraphs 6.57 and 6.59 of the Scoping Report identify the potential for operational noise and vibration from site traffic, paragraph 6.67 refers to predicting changes in road traffic noise levels during construction only.</p> <p>As already noted in this Scoping Opinion, para 6.100 of the Scoping Report states that there would be a work force of approximately 100 people travelling to and from site on a shift basis, that fuel would be delivered by pipeline and other operational and maintenance consumables would be kept as low as reasonably practicable. On this basis, the Inspectorate agrees that noise and vibration from operational phase traffic are unlikely to result in significant effects and as such this matter can be scoped out of the assessment.</p> |

| ID    | Ref       | Other points                     | Inspectorate's comments   |
|-------|-----------|----------------------------------|---|
| 4.5.2 | Para 6.56 | Noise sensitive receptors (NSRs) | The Inspectorate welcomes the intention to identify NSRs with RCBC, Natural England (NE) and other key stakeholders. The Inspectorate advises that STBC is included as another key stakeholder.   |
| 4.5.3 |           |                                  | The ES should contain a comprehensive list and figure(s) illustrating the locations of receptors sensitive to noise and vibration impacts, relative to the entirety of the Proposed Development including elements beyond the Main Site. It should be clear how other aspects (for example, construction traffic routes to the different parts of the application site) relate to the choice of sensitive receptors |

|       |                               |                                    |   |
|-------|-------------------------------|------------------------------------|---|
| 4.5.4 |                               |                                    | The assessment of noise and vibration impacts on sensitive ecological receptors e.g. birds and fish should take into account the seasonality of potentially affected species. Cross reference should be made to the ecological impact assessment in the ES.   |
| 4.5.5 | Paras 6.57, 6.59, 6.67 & 6.68 | Traffic noise and vibration        | The Scoping Report identifies the potential for noise impacts from road traffic on public roads. The Inspectorate considers the assessment of impacts should not be limited to noise on public roads as NSRs may be present around private roads.   |
| 4.5.6 |                               |                                    | Paragraph 6.67 does not provide assurance that vibration from traffic would be assessed. The ES should assess impacts from ground-borne vibration from HGV traffic during construction and decommissioning where significant effects are likely. Any such assessment should be based on the traffic modelling and likely HGV movements. The vibration sensitive receptors should be identified and shown on a supporting plan within the ES.  |
| 4.5.7 |                               |                                    | <p>The Scoping Report states that the assessment of traffic noise levels will be based on '<i>a range of relevant guidance including the DMRB</i>'. In the absence of any specific commitment to a methodological approach, the Inspectorate is unable to comment on the applicability of the criteria.</p> <p>In undertaking the assessment, effort should be made to agree the final criteria with the relevant Environmental Health Officer. The ES should clearly explain the approach to determining significance for the assessment of impacts from changes to road traffic noise levels.</p> |
| 4.5.8 | Para 6.60                     | Noise Policy Statement for England | Significant Observed Adverse Effect Level (SOAEL) and Lowest Observed Adverse Effect Level (LOAEL) should be defined for all the noise and vibration matters assessed.  |

|        |           |                           |  |
|--------|-----------|---------------------------|--|
| 4.5.9  | Para 6.62 | Baseline noise monitoring | The Inspectorate welcomes the intention to agree baseline noise monitoring requirements with RCBC, however advises that effort is also made to agree the requirements with STBC as the connections are located within their borough.   |
| 4.5.10 | Para 6.63 | Scope of the assessment   | The Scoping Report confirms that the assessment of construction works will include the electrical, water and gas connections. For the avoidance of doubt, the Inspectorate also expects the ES to assess noise impacts from construction of the CO <sub>2</sub> gathering pipeline network and any other elements to the Proposed Development that have not yet been identified but have the potential to result in significant effects. |
| 4.5.11 | Para 6.63 | Construction noise        | The ES should identify all sources of noise and vibration which may result from the Proposed Development, including those which extend into the marine area.   |
| 4.5.12 |           |                           | It should be clear what assumptions have been made to develop and inform noise modelling. This would include the placement of construction activities/ plant within the application site; and how the likely noise levels generated by the construction activities/ plant have been estimated. If uncertainty exists and flexibility is sought, the noise impact assessment should be undertaken based on a worst case scenario.         |
| 4.5.13 |           |                           | The Scoping Report does not provide any details of anticipated construction methodologies or of the anticipated working hours (including any night time working required). This detail should be provided within the ES and incorporated into the noise level predictions and assessment of likely significant effects. Construction working hours should be consistent with those specified in the dDCO.                                |

|        |     |                             |  |
|--------|-----|-----------------------------|--|
| 4.5.14 | n/a | Noise limits and monitoring | <p>The ES should define noise limit values and explain how they were determined.</p> <p>The ES should explain the need for monitoring of noise to ensure adherence to the specified noise limits and the appropriateness of mitigation. Effort should be made to agree the need for and scope of monitoring and remedial measures during construction, operation and decommissioning with relevant consultation bodies. This information should be presented in the ES, along with an explanation of how these measures are secured.</p> |
|--------|-----|-----------------------------|--|

## 4.6 Ecology and Nature Conservation

(Scoping Report paragraphs 6.69-6.92)

| ID    | Ref | Applicant's proposed matters to scope out | Inspectorate's comments   |
|-------|-----|---|---|
| 4.6.1 | n/a | n/a                                       | No matters have been proposed to be scoped out of the assessment. |

| ID    | Ref                 | Other points | Inspectorate's comments  |
|-------|---------------------|--------------|--|
| 4.6.2 | Para 6.70           | Receptors    | <p>The Scoping Report identifies the Teesmouth and Cleveland Coast SPA, potential SPA (pSPA) and Ramsar site as being located in proximity to the Proposed Development.</p> <p>The Inspectorate advises that NE is also proposing to extend the Teesmouth and Cleveland Coast Ramsar site (now a pRamsar site) and to enlarge the Teesmouth and Cleveland Coast SSSI<sup>5</sup>. The ES should assess the potential impacts to these sites including the proposed extensions.</p> |
| 4.6.3 | Paras 6.21; 6.71-72 | Study area   | <p>Paragraph 6.21 of the Scoping Report proposes to assess impacts from emissions to air on statutory designated ecological sites within 15km of the proposed stacks, which is in line with Environment Agency (EA)/ Defra guidance<sup>6</sup>. However, paragraph 6.72 only identifies SSSIs within 5km of the application site. For the avoidance of doubt, the Inspectorate considers that a study area of 15km should</p>   |

<sup>5</sup> Overview of consultation (2018) [on-line]: <https://consult.defra.gov.uk/natural-england-marine/teesmouth-and-cleveland-coast-potential-sp/>

<sup>6</sup> Department for Environment, Food & Rural Affairs and Environment Agency: Air emissions risk assessment for your environmental permit [on-line]. Available from: <https://www.gov.uk/guidance/air-emissions-riskassessment-for-your-environmental-permit>



| ID    | Ref                     | Other points                                       | Inspectorate's comments  |
|-------|-------------------------|--|--|
|       |                         |  | <p>be applied for all statutory designated sites in line with the EA/ Defra guidance.</p> <p>The ES should identify all types of potential impact pathways to ecological receptors, including water, soil and air. The ES should justify the chosen study areas relevant to the ecological impact assessment, with reference to relevant guidance and the extent of the likely impacts. The Applicant should make effort to agree these study areas with relevant consultation bodies.</p>   |
| 4.6.4 | Paras 6.70 - 72         | Nationally and locally designated ecological sites | <p>The Scoping Report identifies European sites and SSSIs in proximity to the Proposed Development. However, no National Nature Reserves (NNR) or locally designated ecological sites have been identified.</p> <p>The Inspectorate notes that the Teesmouth NNR, a number of local wildlife sites and the Saltholme RSPB Reserve are located within or in proximity to the application site. The ES should identify any such sites which could be impacted by the Proposed Development and assess any likely significant effects.</p> |
| 4.6.5 | Paras 6.73 – 6.75       | Baseline surveys                                   | <p>It is unclear whether the Extended Phase 1 Habitat Surveys covered the entirety of the application site or just the Main Site. For the avoidance of doubt, the Inspectorate considers that Phase 1 data should be provided for the entirety of the application site. The coverage of species surveys should be sufficient to support a robust assessment of likely significant effects; survey effort should be clearly explained and justified in the ES.</p>  |
| 4.6.6 | Paras 6.73 – 6.80; 6.89 | Marine ecology                                     | <p>Paragraphs 6.73 – 6.80 of the Scoping Report explain the scope of the baseline ecology surveys which have been undertaken to date. This does not include any surveys for benthic species, marine mammals, shellfish, fish or eels. However, potential impacts to</p>  |

| ID | Ref | Other points | Inspectorate's comments   |
|----|-----|--------------|---|
|    |     |              | <p>aquatic habitats and water quality in the River Tees/North Sea are identified in paragraph 6.89 of the Scoping Report.</p> <p>The Inspectorate acknowledges that decisions regarding works in the water environment have not yet been made. If there is potential for likely significant effects on benthic species, marine mammals, shellfish, fish or eels (including any migratory species), these must be assessed in the ES.</p> <p>The ES should explain the baseline conditions in respect to marine ecology, including use of the information sources recommended by the MMO in its consultation response (see Appendix 2) where relevant. The Applicant should make effort to agree the sufficiency and location of any baseline surveys with relevant consultation bodies.</p> <p>The ES should identify potential impacts to marine ecology and assess any likely significant effects. This should include (but not be limited to) consideration of the following impacts:</p> <ul style="list-style-type: none"> <li>• chemical treatment/ biocide associated with water cooling;</li> <li>• impingement and entrainment of fish, fish eggs, larvae and other plankton;</li> <li>• any dredging works;</li> <li>• thermal plume;</li> <li>• changes to coastal processes and sedimentation patterns;</li> <li>• underwater noise (including any piling in the marine environment);</li> <li>• scour; and</li> <li>• access and maintenance works.</li> </ul> |

| ID    | Ref       | Other points                          | Inspectorate's comments   |
|-------|-----------|---------------------------------------|---|
|       |           |                                       | The ES should include a description of any measures proposed to mitigate such impacts, such as seasonal restrictions around piling/dredging activities. The ES should include confirmation of how any such measures are secured.  |
| 4.6.7 | Para 6.81 | Guidance                              | The Applicant proposes to undertake the ecology assessment in accordance with the ' <i>Guidelines for Ecological Impact Assessment in the UK and Ireland</i> ' (CIEEM, January 2016) ('the CIEEM guidelines').<br><br>The Inspectorate notes that the CIEEM guidelines were updated in 2018 <sup>7</sup> and advises that the most up-to-date version of the guidelines are utilised in the ES.   |
| 4.6.8 | Para 6.89 | Bird collision                        | Should the Proposed Development include construction of a new overhead line, the ES should consider any likely significant effects resulting from bird collision.   |
| 4.6.9 | Para 6.89 | Breeding, wintering and passage birds | The Inspectorate notes that the Proposed Development could potentially impact breeding, wintering and passage birds. The Applicant should make effort to agree the methodology for assessing impacts from noise disturbance to birds with relevant consultation bodies, including Natural England. Any necessary mitigation measures, such as timing of piling works to avoid sensitive periods, should be described.<br><br>Disturbance to ecological receptors from traffic, vibration and visual elements of the Proposed Development should also be considered, where significant effects are likely. |

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<sup>7</sup> Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine (September 2018)

| ID     | Ref       | Other points                  | Inspectorate's comments  |
|--------|-----------|-------------------------------|--|
| 4.6.10 | Para 6.89 | Air quality impacts           | The assessment of impacts to ecological receptors from changes in air quality should address any likely significant effects from dust and plant during construction and decommissioning, particularly on the designated ecological sites in proximity to the Proposed Development. |
| 4.6.11 | Para 6.89 | Habitat gain/loss             | The ES should identify and quantify all temporary and permanent habitat gains and losses by type (including any functionally linked land).   |
| 4.6.12 | n/a       | Invasive species              | Surveys should be undertaken to identify the presence of any invasive species on the application site and any necessary eradication/ control measures detailed in the ES.  |
| 4.6.13 | n/a       | Impacts to trees and woodland | The Inspectorate notes that there are trees and woodland areas within/adjacent to the application site. The ES should detail any impacts to trees and woodland and describe any mitigation measures proposed. Any likely significant effects should be assessed.                   |

## 4.7 Traffic and Transportation

(Scoping Report paragraphs 6.93-6.106)

| ID    | Ref        | Applicant's proposed matters to scope out  | Inspectorate's comments  |
|-------|------------|--|--|
| 4.7.1 | Para 6.100 | Detailed assessment of operational traffic | <p>The Scoping Report states that during operation there would be a work force of approximately 100 people travelling to and from site on a shift basis, that fuel would be delivered by pipeline and other operational and maintenance consumables would be kept as low as reasonably practicable; therefore, operational traffic would be negligible.</p> <p>No detail has been provided on the existing traffic flows, therefore it is not possible to ascertain how much traffic flow would increase compared to the baseline. However, the Inspectorate acknowledges that the anticipated operational traffic numbers are small and notes that in the context of the surrounding industrial area the Applicant's conclusion would appear reasonable and significant effects are unlikely. The ES should confirm and justify that there is no discernible increase to operational traffic movements. If this can be demonstrated, the Inspectorate agrees that a detailed assessment of operational traffic can be scoped out.</p> |

| ID    | Ref                | Other points                | Inspectorate's comments  |
|-------|--------------------|-----------------------------|--|
| 4.7.2 | Paras 6.94 & 6.104 | Public Rights of Way (PROW) | <p>This section of the Scoping Report only identifies PROW adjacent to the main site; additional PROWs have been identified in paras 2.27 and 2.29 within the electrical connection corridor and onshore CO<sub>2</sub> transport pipeline corridor.</p> <p>The ES should assess impacts to users of all PROWs where likely significant effects may occur. The assessment of impacts on PROW</p> |

| ID    | Ref                 | Other points   | Inspectorate's comments   |
|-------|---------------------|--|---|
|       |                     |  | users should consider potential interactions with other aspect assessments as relevant (for example noise, dust, recreation and visual impact).   |
| 4.7.3 |                     |  | Any temporary closures and/or diversions of PRow should be identified within the ES.  |
| 4.7.4 |                     |  | The Inspectorate notes from the figures in the Scoping Report that the England Coast Path is located to the east of the Main Site. The ES should assess likely significant effects on users of this path.   |
| 4.7.5 | Para 6.98           | Potential impacts                                      | The Scoping Report identifies the potential for impacts on the local and strategic road network and on road and rail links and public rights of way. However, no further detail has been provided as to what effects would be assessed.   |
| 4.7.6 |                     |  | Consideration should be given to both motorised and non-motorised road users. Where significant effects to road users are likely, the ES should assess driver delay, road safety, pedestrian delay, pedestrian amenity, driver stress, severance, accidents and safety and hazardous loads.   |
| 4.7.7 |                     |  | The ES should identify the locations of any railway crossings and assess any likely significant effects on railway operation and safety.  |
| 4.7.8 | Paras 6.102 & 6.103 | Transport Assessment (TA) and Transport Statement (TS) | The Scoping Report proposes a TA for development within RCBC and a TS for development within STBC for the construction phase. It further states that the ES will summarise the salient points of the TA. The Applicant should ensure that the combined effects to traffic within the two separate boroughs are considered holistically and that it is clear within the ES what the effects of the Proposed Development in |

| ID     | Ref                 | Other points                     | Inspectorate's comments   |
|--------|---------------------|----------------------------------|---|
|        |                     |                                  | its entirety are. The Inspectorate expects the likely significant construction traffic effects within STBC to be assessed in the ES.  |
| 4.7.9  |                     |                                  | <p>The ES should clearly explain the relationship with the TA and TS, how traffic movements have been predicted and what models and assumptions have been used to inform the assessment in the ES. Anticipated numbers of vehicle movements should be set out (including vehicle type, peak hour and daily movements).</p> <p>The Traffic and Transport and Cumulative Effects aspect chapters should clearly explain the approach adopted to estimate traffic growth as it appears in the TA and TS. The explanation should include reference to appropriate software such as the Department for Transport's TEMPRO<sup>8</sup> software, where relevant. This should be kept under review should any other development come forward which may trigger the need to update the previous traffic modelling work.</p> |
| 4.7.10 | Paras 6.102 & 6.105 | Consultation                     | This chapter of the Scoping Report contains limited detail; the Inspectorate therefore welcomes the Applicant's commitment to consult with RCBC and Highway England on the scope of the TA. The Applicant is also advised to make effort to agree the scope of the TS with STBC, given that a large proportion of the connection works would be located along existing roads within the borough.  |
| 4.7.11 | Para 6.103          | Guidance and sensitive receptors | The Scoping Report states that the ES assessment will utilise criteria within the 'Guidelines for the Environmental Assessment of Road Traffic' <sup>9</sup> (GEART) to determine the magnitude of the impact and establish the significance of the effect.   |

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<sup>8</sup> Trip End Model Presentation Program (TEMPRO)

<sup>9</sup> Guidelines for the Environmental Assessment of Road Traffic: Institute of Environmental Management (IEMA) (1993)

| ID     | Ref        | Other points            | Inspectorate's comments  |
|--------|------------|-------------------------|--|
|        |            |                         | The Scoping Report does not identify specific sensitive receptors for the purposes of the assessment, although paragraph 6.104 does confirm that users of PRow will be considered. The Applicant is advised to consider section 2.5 of the GEART guidelines when identifying receptors which are sensitive to changes in traffic conditions. The Inspectorate advises that these should include nature conservation sites, residential receptors and non-motorised road users where significant effects are likely to occur. |
| 4.7.12 | Para 6.104 | Study area              | The Scoping Report describes an intent to agree the study area with the local authorities and Highways England. The ES should clearly define the study area used for the assessment and explain the approach taken to do so which should be influenced by the extent of likely impacts. The ES should include a plan to depict the study area.   |
| 4.7.13 | Para 6.104 | Baseline environment    | The Scoping Report has not described how the baseline conditions would be established. The Inspectorate advises the Applicant to make effort to agree the need for and scope of any site-specific traffic surveys. The ES should contain details of any traffic surveys undertaken, including times, dates and locations.  |
| 4.7.14 | Para 6.104 | Management plans        | The Inspectorate welcomes the Applicant's proposal to produce plans such as a Construction Worker Travel Plan and a Construction Traffic Management Plan. A draft/outline of these plans should be provided with the DCO application and should contain sufficient detail to give confidence as to their efficacy. It should be clear how the implementation of such a plan would be secured in the DCO.   |
| 4.7.15 | n/a        | Road and rail crossings | The ES should identify where roads and railways would be crossed by the Proposed Development and detail the crossing methodology that would be utilised.   |



| ID     | Ref | Other points          | Inspectorate's comments   |
|--------|-----|-----------------------|---|
| 4.7.16 | n/a | Abnormal loads        | <p>The ES should confirm the worst case number of abnormal loads required and the types of vehicles required. Any mitigation measures required to facilitate the delivery of abnormal loads should be detailed in the ES and any resultant likely significant effects assessed.</p> <p>The Applicant should consider whether utilisation of the existing river and rail connections for transportation of abnormal loads could represent an environmentally better outcome than road transport.</p> |
| 4.7.17 | n/a | Impacts on navigation | <p>Given the lack of certainty in the project description at this stage, it is not possible to discern whether there would be any impacts on navigation in the River Tees. The working methods to be adopted in proximity to the River Tees and/or along the coastline should be outlined within the ES and any likely significant effects on navigation of the River Tees should be assessed.</p>  |

## 4.8 Landscape and Visual Amenity

(Scoping Report paragraphs 6.107-6.120)

| ID    | Ref | Applicant's proposed matters to scope out | Inspectorate's comments   |
|-------|-----|---|---|
| 4.8.1 | n/a | n/a                                       | No matters have been proposed to be scoped out of the assessment. |

| ID    | Ref        | Other points        | Inspectorate's comments   |
|-------|------------|---------------------|---|
| 4.8.2 | Para 6.107 | Baseline            | Along with National Character Areas, the ES should include a description of any local landscape character areas which could be impacted by the Proposed Development.  |
| 4.8.3 | Para 6.110 | Assessment          | The ES should clearly explain any assumptions made in the landscape and visual assessment regarding the number, height, diameter and placement of the stacks.   |
| 4.8.4 | Para 6.110 | Night time impacts  | Night time impacts (such as from lighting) to landscape and visual receptors should be assessed where significant effects are likely to occur.  |
| 4.8.5 | Para 6.112 | Sensitive receptors | <p>Whilst specific receptors sensitive to visual change are not identified, paragraph 6.112 indicates that these will include local residents, users of public footpaths and motorists. Along with users of public footpaths, the ES should also assess impacts to other types of recreational receptors including visitors to nature conservation sites and the scheduled monuments at Eston Nab; as well as users of the Tees Bay and Estuary where significant effects are likely to occur.</p> <p>The ES should justify the choice of sensitive receptor locations with reference to the extent of the likely impacts and make effort to agree these with the relevant consultation bodies.</p> |

| ID    | Ref                   | Other points                                     | Inspectorate's comments  |
|-------|-----------------------|--|--|
| 4.8.6 | Paras 6.116 and 6.117 | Zone of Theoretical Visibility (ZTV); study area | <p>A specific study area has not been proposed; it is explained that this will be defined once information is available regarding the height of the proposed structures. The ZTV and study area should be established taking account of the maximum height of the proposed structures as sought in the dDCO. The ES assessment (including visualisations) should similarly be based on the maximum heights.</p> <p>The ES should include a clear justification in support of the study area and ensure it is depicted on corresponding figures to aid understanding.</p>   |
| 4.8.7 | Para 6.116 and 6.119  | Viewpoint and photomontage locations             | <p>The Applicant proposes to identify 'up to ten' representative views within the ZTV and explains that these will be agreed in consultation with RCBC, STBC and 'other key stakeholders'. Details of specific locations are not provided, but it is indicated that these would be focused around the Main Site and the AGI for the gas connection. The Inspectorate advises that similar focus is placed on the overhead line (if this option is pursued).</p> <p>Whilst it is understood that the proposed stacks at the Main Site are likely to be the most prominent feature of the operational development, the Applicant should ensure that sufficient viewpoints are chosen to inform a robust assessment of likely significant effects in relation to the entirety of the Proposed Development. The Applicant should make effort to agree both the number and location of viewpoints and photomontages with relevant consultation bodies and justify these choices in the ES.</p> <p>Appropriate viewpoints should be selected to capture any long views of the Proposed Development, including from the north side of the River Tees and the scheduled monuments at Eston Nab. Both winter and summer views should be included.</p> |

| ID    | Ref        | Other points | Inspectorate's comments  |
|-------|------------|--------------|--|
| 4.8.8 | Para 6.120 | Mitigation   | <p>The Scoping Report explains that measures will be proposed to mitigate any significant effects on landscape character or visual amenity. The ES should clearly describe any proposed planting and how the landscape and visual effects are expected to alter as any such planting matures. The Applicant should make effort to agree the planting specification/ species mix with relevant consultation bodies. Any interactions with other ES aspects, for example impacts on local ecology, should be explained.</p> <p>If mitigation plans are proposed, drafts of these documents should be provided with the ES.</p> |
| 4.8.9 | n/a        | Design       | <p>The ES should explain how the siting and design of the proposed structures (and the materials to be used) have been selected with the aim of minimising impacts to landscape and visual receptors.</p>  |

## 4.9 Archaeology and Cultural Heritage

(Scoping Report paragraphs 6.121-6.141)

| ID    | Ref | Applicant's proposed matters to scope out | Inspectorate's comments   |
|-------|-----|---|---|
| 4.9.1 | n/a | n/a                                       | No matters have been proposed to be scoped out of the assessment. |

| ID    | Ref                                | Other points                   | Inspectorate's comments   |
|-------|------------------------------------|--------------------------------|---|
| 4.9.2 | Paras 6.121 – 6.123;<br>para 6.125 | Receptors                      | <p>Paragraphs 6.121 – 6.123 of the Scoping Report identify heritage assets in relation to the Main Site. However, it is noted from paragraph 6.125 that the Applicant proposes to use study areas of 1km and 5km to identify non-designated and designated heritage assets (respectively).</p> <p>The ES should identify the locations of the sensitive receptors (and their distances from the Proposed Development) and explain how these have been selected, with reference to the extent of the likely impacts. For the avoidance of doubt, receptors should be identified relative to the entirety of the Proposed Development (rather than just the Main Site).</p> |
| 4.9.3 | Paras 6.121 – 6.123                | Receptors                      | <p>Whilst no Conservation Areas have been identified in the Scoping Report, the Inspectorate notes that a number of Conservation Areas (including Kirkleatham, Coatham, Wilton and Yearby) are located in proximity to the Proposed Development. Any likely significant effects on Conservation Areas should be assessed in the ES.</p>   |
| 4.9.4 | Paras 6.121 and 6.124              | Impacts to scheduled monuments | <p>The Scoping Report (paragraph 6.121) states that construction and operation of the Proposed Development is not likely to affect any scheduled monuments. The Inspectorate assumes this statement is in</p>   |

|       |            |                               |   |
|-------|------------|-------------------------------|---|
|       |            |                               | <p>relation to physical impacts; paragraph 6.124 of the Scoping Report proposes to assess impacts to the setting of heritage assets in the vicinity of the Main Site and gas connection corridors.</p> <p>The Inspectorate notes the elevated location of the scheduled monument at Eston Nab and the potential impact to the setting of this asset. The ES should identify scheduled monuments which could experience impacts to their setting from any component of the Proposed Development (including the CO<sub>2</sub> gathering network connection, which is in closest proximity to Eston Nab) and assess any likely significant effects.</p> |
| 4.9.5 | Para 6.124 | Impacts to marine archaeology | <p>The Scoping Report does not refer to potential impacts to marine archaeology. However, the Proposed Development may include infrastructure in the marine area.</p> <p>The ES should consider the potential for these works to impact on known/ unknown marine archaeological remains. Any likely significant effects to receptors in the marine environment should be assessed.</p>  |
| 4.9.6 | Para 6.124 | Mitigation                    | <p>The Inspectorate notes the potential for physical impacts to archaeological resource. The ES should set out proposals for the recording of archaeology which would be permanently lost as a result of construction of the Proposed Development. The Applicant should make effort to agree the approach with relevant consultation bodies.</p>  |
| 4.9.7 | Para 6.126 | Guidance                      | <p>The Applicant proposes to undertake the assessment of impacts to setting in accordance with the <i>'Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets'</i> (Historic England, 2015).</p>  |

|       |            |  |   |
|-------|------------|--|---|
|       |            |  | The Inspectorate notes that these guidelines were updated in 2017 <sup>10</sup> and advises that the most up-to-date version of the guidelines are utilised in the ES.  |
| 4.9.8 | Para 6.127 | Baseline for archaeological assessment | <p>The Applicant considers that sufficient information is available to inform the baseline and does not intend to conduct further archaeological evaluation (such as trial trenching).</p> <p>The Inspectorate considers that investigation strategies should be produced for areas of new land take (such as within the connection corridors) to ensure a robust assessment of likely significant effects. If investigation strategies demonstrate the need for further archaeological investigations, where necessary these should be completed prior to submission of the DCO application.</p> |
| 4.9.9 | n/a        | Decommissioning                        | The Scoping Report does not explain the potential impacts to archaeology and cultural heritage receptors resulting from decommissioning of the Proposed Development. The ES should explain how impacts from decommissioning have been considered and assess any likely significant effects.   |

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<sup>10</sup> The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (Historic England, 2017)

## 4.10 Socio-economics and Tourism

(Scoping Report paragraphs 6.131-6.141)

| ID     | Ref | Applicant's proposed matters to scope out | Inspectorate's comments   |
|--------|-----|---|---|
| 4.10.1 | n/a | Tourism                                   | There is no reference to tourism within this section of the Scoping Report, despite its title. The Inspectorate considers that any impacts likely to result in significant effects on tourism receptors in the surrounding area should be assessed, including for example users of the Redcar Beach Caravan Park, visitors to the South Gare and Coatham Dunes and users of Paddy's Hole harbour. |

| ID     | Ref                  | Other points                    | Inspectorate's comments  |
|--------|----------------------|---------------------------------|--|
| 4.10.2 | Para 2.10            | Areas of public/private amenity | The ES should assess impacts on the areas of public/private amenity which are noted in Chapter 2 - Description of the Existing Environment of the Scoping Report.  |
| 4.10.3 | Paras 6.135 to 6.141 | Scope of the Assessment         | The Scoping Report gives a very broad description of the data that will be gathered to inform the ES. The ES should explain the methodology applied to the assessment, including the data sources used, consultation undertaken, the methodology applied to determining significance of effects, and any limitations encountered.<br><br>Specific methodologies should be adopted for each matter assessed as part of this aspect chapter (i.e. different criteria are likely to be required to determine the significance of effects on employment, recreational users and PRow users). |



| ID     | Ref                  | Other points      | Inspectorate's comments   |
|--------|----------------------|-------------------|---|
| 4.10.4 |                      |                   | The Inspectorate notes that professional experience and judgement will be applied where no standards exist. Any use of professional judgement should be clearly explained within the ES.  |
| 4.10.5 | Para 6.135 and 6.137 | Employment        | The ES should include a breakdown of likely jobs and roles created by the Proposed Development and any mitigation measures such as skills and training programmes that would promote local employment. This should include consideration of the potential to create apprenticeship opportunities during construction and operation.   |
| 4.10.6 |                      |                   | Employment could result in an increase of migration to the local area, which may increase demand on community facilities such as GPs as a result. This matter should be assessed within this aspect of the ES.  |
| 4.10.7 | Para 6.135           | PRoW              | <p>The Scoping Report notes that PRoWs may be temporarily disrupted during construction. The ES should state whether any temporary diversions are proposed, their duration and how such mitigation would be secured.</p> <p>Appropriate cross reference should be made to the Traffic &amp; Transportation chapter within the ES.</p> |
| 4.10.8 | Para 6.135           | Health and safety | The Scoping Report identifies the potential for health and safety impacts to arise but does not provide further detail regarding the proposed assessment of these impacts. The ES should set out the proposed methodological approach for assessing these matters.  |
| 4.10.9 | Para 6.137           | Businesses        | The Scoping Report states that the impact of the Proposed Development on businesses will be assessed. The ES should clearly state the methodology for the assessment of this matter, identify the businesses that will be considered as sensitive receptors and seek to agree this with the relevant local authorities.               |

| ID      | Ref        | Other points                         | Inspectorate's comments   |
|---------|------------|--------------------------------------|---|
| 4.10.10 | Para 6.137 | Recreational activities and land use | The ES should clearly state the 'other land use' impacts that have been assessed or considered.   |
| 4.10.11 |            |                                      | The ES should confirm whether beach closures would be required for construction of the water connection and/or the onshore CO <sub>2</sub> transport connection. Impacts to beach users should be assessed within the ES. |

## 4.11 Population and Health

(Scoping Report paragraphs 6.142-6.144)

| ID     | Ref        | Applicant's proposed matters to scope out | Inspectorate's comments  |
|--------|------------|---|--|
| 4.11.1 | Para 6.142 | Human health impact assessment            | <p>The Scoping Report states that no specific human health impact assessment is proposed, as the separate aspects relevant to human health will be assessed against criteria that have been established for the protection of human health (e.g. air quality).</p> <p>The Inspectorate is content with this approach and agrees with the approach to include a dedicated section within the ES to summarise the results of relevant environmental aspects.</p> |
| 4.11.2 | n/a        | Health and wellbeing wider determinants   | <p>The Applicant should assess the 'Health and wellbeing wider determinants' identified by Public Health England (see Appendix 2 of this Opinion), where significant effects are likely. Consideration should be given to vulnerable populations.</p>  |

## 4.12 Cumulative Effects

(Scoping Report paragraphs 6.145-6.152)

| ID     | Ref | Applicant's proposed matters to scope out | Inspectorate's comments   |
|--------|-----|---|---|
| 4.12.1 | n/a | n/a                                       | No matters have been proposed to be scoped out of the assessment. |

| ID     | Ref       | Other points       | Inspectorate's comments   |
|--------|-----------|--------------------|---|
| 4.12.2 | n/a       | Methodology        | <p>The Scoping Report does not explain the approach relating to the assessment of cumulative effects. The Applicant is recommended to consider the approach set out in the Inspectorate's Advice Note 17 with regards to the assessment of cumulative effects.</p> <p>The ES should identify other developments with the potential to impact on sensitive receptors (including, where appropriate, the offshore works of the Teesside Cluster Carbon Capture &amp; Usage Project) together with the Proposed Development. Any likely significant cumulative effects should be assessed.</p> <p>The Inspectorate also notes that RCBC is developing highways proposals in the vicinity although these have not yet been adopted as Council policy (see response in Appendix 2). The Applicant should monitor the progress of these proposals and include them in the assessment of the cumulative effects, where significant effects are likely.</p> |
| 4.12.3 | Para 7.26 | Geographical scope | The Scoping Report states that cumulative effects from other projects or activities located within a ' <i>realistic geographical scope</i> ' would be considered. The ES should set out and justify what is the ' <i>realistic geographical scope</i> '. The Inspectorate advises that this is based on the zone of influence of potential impacts from the Proposed  |

| ID | Ref | Other points | Inspectorate's comments  |
|----|-----|--------------|--|
|    |     |              | Development and the other activities or projects under consideration, as advocated in the Inspectorate's Advice Note Seventeen: Cumulative Effects Assessment. |

## 4.13 Major Accidents or Disaster Vulnerability

(Scoping Report paragraphs 8.4-8.10)

| ID     | Ref            | Applicant's proposed aspect to scope out  | Inspectorate's comments  |
|--------|----------------|---|--|
| 4.13.1 | Paras 8.4-8.10 | Major accidents or disaster vulnerability | <p>The Scoping Report proposes to scope out a specific assessment for major accidents or disaster vulnerability on the basis that risks of major accidents would be suitably assessed, regulated and controlled by other legislative framework (including through an application of an Environmental Permit and through accordance with the Control of Major Accident Hazards Regulations 2015). The Scoping Report confirms that accidental events such as fuel spillages and abnormal air emissions would be discussed in relevant chapters of the ES and a risk assessment for accidental events would be provided.</p> <p>With regard to major accidents, the Inspectorate is content that provision of the assessments within other relevant ES aspect chapters should not impede the ability of the ES to adhere with the EIA Regulations and welcomes the intention to include a risk assessment. The Applicant should ensure that the introductory sections of the ES contain clear cross referencing to where the assessment of major accidents or disasters is located. There should be sufficient information in the ES regarding major accidents and disasters where likely significant effects could occur.</p> <p>Paragraphs 8.4-8.10 of the Scoping Report do not specifically address the issues of disaster vulnerability; therefore, the Inspectorate does not agree that this aspect can be scoped out of the ES.</p> |

## 5. INFORMATION SOURCES

5.0.1 The Inspectorate's National Infrastructure Planning website includes links to a range of advice regarding the making of applications and environmental procedures, these include:

- Pre-application prospectus<sup>11</sup>
- Planning Inspectorate advice notes<sup>12</sup>:
  - Advice Note Three: EIA Notification and Consultation;
  - Advice Note Four: Section 52: Obtaining information about interests in land (Planning Act 2008);
  - Advice Note Five: Section 53: Rights of Entry (Planning Act 2008);
  - Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements;
  - Advice Note Nine: Using the 'Rochdale Envelope';
  - Advice Note Ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects (includes discussion of Evidence Plan process);
  - Advice Note Twelve: Transboundary Impacts;
  - Advice Note Seventeen: Cumulative Effects Assessment; and
  - Advice Note Eighteen: The Water Framework Directive.

5.0.2 Applicants are also advised to review the list of information required to be submitted within an application for Development as set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.

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<sup>11</sup> The Planning Inspectorate's pre-application services for applicants. Available from: <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

<sup>12</sup> The Planning Inspectorate's series of advice notes in relation to the Planning Act 2008 process. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

## APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

**TABLE A1: PRESCRIBED CONSULTATION BODIES<sup>13</sup>**

| SCHEDULE 1 DESCRIPTION  | ORGANISATION   |
|---|--|
| The Health and Safety Executive   | Health and Safety Executive                                      |
| The National Health Service Commissioning Board   | NHS England  |
| The relevant Clinical Commissioning Group   | NHS Hartlepool and Stockton-on-Tees Clinical Commissioning Group |
| The relevant Clinical Commissioning Group   | South Tees Clinical Commissioning Group                          |
| Natural England   | Natural England  |
| The Historic Buildings and Monuments Commission for England   | Historic England   |
| The relevant fire and rescue authority  | Cleveland Fire Brigade   |
| The relevant police and crime commissioner  | Cleveland Police and Crime Commissioner                          |
| The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council | Billingham Parish Council  |
| The Environment Agency  | The Environment Agency   |
| The Maritime and Coastguard Agency  | Maritime & Coastguard Agency                                     |
| The Marine Management Organisation  | Marine Management Organisation (MMO)                             |
| The Civil Aviation Authority  | Civil Aviation Authority   |
| The Relevant Highways Authority   | Stockton-on-Tees Borough Council                                 |
|   | Redcar and Cleveland Borough Council                             |

<sup>13</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')



| SCHEDULE 1 DESCRIPTION   | ORGANISATION          |
|--|-----------------------|
| The relevant strategic highways company                                | Highways England      |
| Trinity House  | Trinity House         |
| Public Health England, an executive agency of the Department of Health | Public Health England |

**TABLE A2: RELEVANT STATUTORY UNDERTAKERS<sup>14</sup>**

| STATUTORY UNDERTAKER                                       | ORGANISATION   |
|--|--|
| The Crown Estate Commissioners                             | The Crown Estate   |
| The Forestry Commission                                    | Forestry Commission  |
| The Secretary of State for Defence                         | Ministry of Defence  |
| The relevant Clinical Commissioning Group                  | NHS Hartlepool and Stockton-on-Tees Clinical Commissioning Group |
|  | South Tees Clinical Commissioning Group                          |
| The National Health Service Commissioning Board            | NHS England  |
| The relevant NHS Foundation Trust                          | North East Ambulance Service NHS Foundation Trust                |
| Railways   | Network Rail Infrastructure Ltd                                  |
|  | Network Rail   |
| Dock and Harbour authority                                 | Tees and Hartlepool Port Authority Ltd                           |
| Civil Aviation Authority                                   | Civil Aviation Authority   |
| Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000) | NATS En-Route Safeguarding                                       |
| Universal Service Provider                                 | Royal Mail Group   |

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<sup>14</sup> 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

| STATUTORY UNDERTAKER                                  | ORGANISATION                    |
|---|---------------------------------|
| Homes and Communities Agency                          | Homes England                   |
| The relevant Environment Agency                       | The Environment Agency          |
| The relevant water and sewage undertaker              | Northumbrian Water              |
| The relevant public gas transporter                   | Cadent Gas Limited              |
|   | Energetics Gas Limited          |
|   | Energy Assets Pipelines Limited |
|   | ES Pipelines Ltd                |
|   | ESP Connections Ltd             |
|   | ESP Networks Ltd                |
|   | ESP Pipelines Ltd               |
|   | Fulcrum Pipelines Limited       |
|   | Harlaxton Gas Networks Limited  |
|   | GTC Pipelines Limited           |
|   | Independent Pipelines Limited   |
|   | Indigo Pipelines Limited        |
|   | Murphy Gas Networks limited     |
|   | Quadrant Pipelines Limited      |
|   | National Grid Gas Plc           |
|   | Scotland Gas Networks Plc       |
|   | Southern Gas Networks Plc       |
|   | Northern Gas Networks Limited   |
| The relevant electricity generator with<br>CPO Powers | EDF Energy Renewables Limited   |
|   | MGT Teeside Limited             |
|   | Eclipse Power Network Limited   |

| STATUTORY UNDERTAKER                                 | ORGANISATION                               |
|--|--|
| The relevant electricity distributor with CPO Powers | Energetics Electricity Limited             |
|  | Energy Assets Networks Limited             |
|  | Energy Assets Power Networks Limited       |
|  | ESP Electricity Limited                    |
|  | Fulcrum Electricity Assets Limited         |
|  | Harlaxton Energy Networks Limited          |
|  | Independent Power Networks Limited         |
|  | Leep Electricity Networks Limited          |
|  | Murphy Power Distribution Limited          |
|  | The Electricity Network Company Limited    |
|  | UK Power Distribution Limited              |
|  | Utility Assets Limited                     |
|  | Vattenfall Networks Limited                |
|  | Northern Powergrid (Northeast) Limited     |
|  | National Grid Electricity Transmission Plc |

**TABLE A3: SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(1)(B))<sup>15</sup>**

| LOCAL AUTHORITY <sup>16</sup>        |
|--------------------------------------|
| Stockton-on-Tees Borough Council     |
| Redcar and Cleveland Borough Council |
| Hartlepool Borough Council           |
| Middlesbrough Council                |

<sup>15</sup> Sections 43 and 42(B) of the PA2008

<sup>16</sup> As defined in Section 43(3) of the PA2008

| LOCAL AUTHORITY <sup>16</sup>  |
|--------------------------------|
| Hambleton District Council     |
| Scarborough Borough Council    |
| North York Moors National Park |
| North Yorkshire County Council |
| Durham County Council          |
| Darlington Borough Council     |

**TABLE A4: NON-PRESCRIBED CONSULTATION BODIES**

| ORGANISATION                        |
|-------------------------------------|
| South Tees Development Corporation  |
| Royal National Lifeboat Institution |



## **APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES**

Consultation bodies who replied by the statutory deadline:

|  |
|--|
| Cleveland Fire Brigade   |
| Environment Agency   |
| ESP Utilities Group  |
| Forestry Commission  |
| Harlaxton Energy Networks Limited                                    |
| Harlaxton Gas Networks Limited                                       |
| Hartlepool Borough Council   |
| Health and Safety Executive  |
| Historic England   |
| Marine Management Organisation                                       |
| Maritime and Coastguard Agency                                       |
| Ministry of Defence DIO Safeguarding                                 |
| National Grid Electricity Transmission PLC and National Grid Gas PLC |
| NATS Safeguarding  |
| Natural England  |
| Network Rail   |
| Northumbrian Water   |
| Public Health England  |
| Redcar and Cleveland Borough Council                                 |
| Royal Mail   |
| Scarborough Borough Council  |
| Trinity House  |

OFFICIAL



Protecting local  
communities

Your Ref: EN010103-000010

Our Ref: JF

Date: 02.03.2019

Chief Fire Officer  
Ian Hayton

**When telephoning ask for:**

Joe Flounders

Tel: (01429) 874109

Email: [jflounders@clevelandfire.gov.uk](mailto:jflounders@clevelandfire.gov.uk)

Dear Sir/Madam

**THE REGULATORY REFORM (FIRE SAFETY) ORDER 2005**

Cleveland fire Brigade offers no representations regarding the development as proposed.

However Access and Water Supplies should meet the requirements as set out in:

Approved Document B Volume 2 Section B5 for buildings other than Dwelling houses

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Section B5 Table 20.

Further comments may be made through the building regulation consultation process as required.

Kind Regards



For Chief Fire Officer

Cleveland Fire Brigade

Training & Administration Hub, Endeavour House, Queens Meadow Business Park, Hartlepool TS25 5TH

T: 01429 872311 | E: [info@clevelandfire.gov.uk](mailto:info@clevelandfire.gov.uk) | W: [www.clevelandfire.gov.uk](http://www.clevelandfire.gov.uk) |



/clevelandfb



@Clevelandfb

The Planning Inspectorate  
Temple Quay House Temple Quay  
Bristol  
Avon  
BS1 6PN

**Our ref:** NA/2019/114466/01-L01  
**Your ref:** EN010082  
**Date:** 22 March 2019

Dear Sir/Madam

**TEESIDE CLUSTER CARBON CAPTURE & USAGE PROJECT SCOPING  
OPINION. LAND IN THE VICINITY OF THE SSI STEEL WORKS SITE,  
REDCAR, TEESSIDE, TS10 5QW**

Thank you for referring the above Scoping Opinion which we received on 22 February 2019.

Having reviewed the supporting documentation, we would expect the following matters to be dealt with as part of any Development Consent Order (DCO) application of these works:

**Climate Change Allowances**

UKCP18 published in November 2018, sets out the official source of information on how the UK climate may change over the rest of this century. The UKCP18 projections replace the UKCP09 projections and should be taken into account as part of the DCO application.

High resolution peak river flow allowances will be available in spring 2019, and high resolution peak rainfall projections will be published in summer 2019. The climate change allowances for sea level rise will be updated in summer 2019. Until then, it is reasonable to continue to use the sea level rise allowances in 'Flood risk assessments: climate change allowances' published in 2016 for planning decisions. However, in exceptional cases where developments are very sensitive to flood risk and have a lifetime of at least 100 years, we recommend you assess the impact of both the current allowance in 'Flood risk assessments: climate change allowances' and the 95th percentile of UKCP18 'RCP 8.5' scenario (high emissions scenario) standard method sea level rise projections of UKCP18, and plan according to this assessed risk. You will need to calculate sea level rise allowances beyond 2100 by extrapolating the UKCP18 dataset.





### **Flood Risk**

Sections of the proposed development are situated within flood zones 2 and 3, which is at high risk of flooding. Over the next 100 years, the development site will be impacted upon further with climate change.

We would expect a full Flood Risk Assessment (FRA) to be submitted in support of the DCO application and such flood risks to be appropriately appraised, assessed and mitigation measure applied. We would expect the FRA to:

1. Take the impacts of climate change into account strategically for all sites, and not piecemeal as the sites come forward. The climate change scenario should assess the impact of both the current allowance in 'Flood risk assessments: climate change allowances' and the 95th percentile of UKCP18 'RCP 8.5' scenario (high emissions scenario) Standard Method;
2. Consider how people will be kept safe from flood hazards identified;
3. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event; and
4. We would expect mitigation measures to be applied for all sites and again not piece meal measures. The onus should not be on the individual sites to consider these risks and measures.

### **Flood Risk Activity Permit**

The River Tees is within the site's boundary and is designated "main river" and under the Environmental Permitting Regulations 2016. You may require an environmental permit for flood risk activities. If you want to do work within 8metres of a non-tidal sections, or 16metres of the tidal section, instance where work is proposed:

- a) in, under or near a main river ( including where the river is in a culvert;
- b) on or near a flood defence on a main river c)in the floodplain of a main river
- d) on or near a sea defence.

You can find out more information on our permit requirements at:  
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. If a permit is required, it must be obtained prior to beginning the works.

### **Carbon Capture Ready**

As part of the DCO application, the Environment Agency (EA) will assess whether the carbon capture plant can be considered Carbon Capture Ready (CCR). In order to do this, the applicant should provide a CCR statement. The CCR requirements at application include:



- demonstration that there is sufficient space;
- it is technically and economically feasible to retrofit (or in this case fit) the chosen technology; and
- the transport and storage of CO<sub>2</sub> is feasible.

Full details of these requirements are set out in 'Carbon Capture Readiness (CCR) A guidance note for Section 36 of the Electricity Act 1989 consent applications. DECC, URN 09D/810 November 2009'. This is available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/43609/Carbon\\_capture\\_readiness\\_-\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/43609/Carbon_capture_readiness_-_guidance.pdf)

The EA is only able to comment on the suitability of the space set aside on or near the site for carbon capture equipment and the technical feasibility of the retrofitting (or in this case fitting) carbon capture equipment. As explained in paragraph 94 of the DECC CCR guidance, the EA is not the public body to comment on the technical aspects of the transport and storage of CO<sub>2</sub> off site. Nor can it comment on the soundness of the economic feasibility of the CCS proposal.

We would expect the applicant to address the points identified in Annex C "Environment Agency verification of CCS Readiness New Natural Gas Combined Cycle Power Station Using Post-Combustion Solvent Scrubbing" of the Carbon Capture Readiness guidance.

### **Environmental Permitting Regulations (EPR)**

This development will require a permit under the Environmental Permitting Regulations (England and Wales) 2016 for the operation of an Industrial Emissions Directive (IED) Part 1.1 permit and Carbon Capture Storage plant. We recommend that the developer considers parallel tracking the DCO and permit applications, as this can help identify and resolve any issues at the earliest opportunity. Parallel tracking can also prevent the need for post-permission amendments to the DCO application.

The EA's Combustion Sector Group provides advice and guidance to existing and proposed operators. With respect to new high efficiency Combined Cycle Gas Turbines (CCGTs) and Large Combustion Plants (LCP) Best Available Technique Reference Document for Large Combustion Plants 2010/75/U, the EA's current advice is that BAT- associated emission level (BATAELs) for NO<sub>x</sub> will apply, and this will be conditioned in the permit. In order to meet the Emissions Limit Values (ELVs), it is likely operators will need to fit Selective Catalytic Reduction (SCR) secondary abatement, as proposed by this scoping document.

The following issues will also need to be taken into account as part of the EPR permit:



#### Noise

Sections 6.59 and 6.62 of the scoping document describes the baseline noise survey. If the EA are included in the design of the background noise and vibration survey, the same data could potentially be submitted as part of the EPR permit application.

#### Firewater

An estimation of quantities and containment requirements of firewater needs to be taken into account, as this may affect the design, infrastructure and orientation of the plant.

A Best Available Techniques (BAT) assessment of the chosen cooling techniques will be required and an Environmental Impact Assessment (including returning heat and chemical content) to justify the locations of the extraction and return of cooling water. Other cooling systems may be more appropriate. Furthermore, we would encourage the on-site treatment and re-use of excavated contaminated soils, to minimise landfilling off-site.

#### Stack Heights

Section 6.20 of the scoping document states that dispersion modelling will be used to determine the most appropriate height for the generating station stacks. This should also include a stack height sensitivity study to optimise stack heights.

#### **EU Trading Emissions System (EU ETS)**

The monitoring and reporting of greenhouse gas emissions must be robust, transparent, consistent and accurate for the EU emissions trading system (EU ETS) to operate effectively. It is our understanding the current EU ETS regulations do not allow for the proposed activity. In particular, they do not permit the capture and use of carbon. They only allow for permanent storage / sequestering. Furthermore, they do not permit the transport of CO<sub>2</sub> by tanker. CO<sub>2</sub> can only be transported by pipe. Further information is available at [https://ec.europa.eu/clima/policies/ets/monitoring\\_en](https://ec.europa.eu/clima/policies/ets/monitoring_en)

#### **Hazardous Substance Consent**

The scoping opinion outlines the Control of Major Accident Hazards (COMAH) thresholds for ammonia storage in section 8.7. A Hazardous Substances Consent may be required for the bulk storage of ammonia on site.

#### **Water Resources – Abstraction Licence**

The scoping report states that significant volumes of water may be needed to support the proposed development. The applicant is aware of an existing licence, held by Sahaviriya Steel Industries (SSI) UK Ltd, and has suggested that this licence could be adopted to serve their demand for water.



For the purpose of the administration of Water Resource Licence 1/25/04/135, it should be noted that if SSI UK Ltd went into compulsory liquidation. The Official Receiver would become responsible for the administration of the licence (they were advised of this in writing on 25 May 2017), and that the licence could either be revoked (ended) or transferred to another entity. Until such time as SSI UK Ltd is officially dissolved, the Official Receiver is able to authorise the transfer of the licence.

If the EA are notified that SSI UK Ltd is formally dissolved, the licence will cease to be valid and the option to transfer this licence will no longer be possible. In this situation, if the applicant still intends to abstract more than 20m<sup>3</sup>/day from a surface water source e.g. a stream, or from underground strata (via borehole or well) for any particular purpose, an abstraction licence from the EA will be required. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

### **Water Framework Directive (WFD)**

A WFD assessment will need to be submitted in support of the DCO application. In particular, a WFD assessment should be undertaken for the following waterbodies, which could be impacted by the proposed development:

- Tees Estuary WFD waterbody objectives (GB510302509900)
- Tees Estuary (S Bank) WFD waterbody objectives (GB103025072320)
- Tees Coastal WFD waterbody objectives (GB650301500005)

The WFD assessment should include a hydromorphological assessment where a waterbody is designated as a heavily modified waterbody. The applicant should ensure that any development likely to impact these waterbodies should look not only seek to protect, but to create and enhance the environment. Further information regarding WFD classifications are available on the Catchment Data Explorer, which is available at <http://environment.data.gov.uk/catchment-planning/>

Consideration should also be given to the Northumbria River Basin District Management Plan (RBMP) 2016 and its Objectives. Particular consideration should be given to:

- The current status of a WFD element or cause its deterioration;
- The attainment of good status;
- Pollution reduction measures; and
- Standards and objectives for protected areas

With respect to geomorphology, the WFD assessment should include and assess in detail the proposed development, and outline the exact impacts of the scheme upon riverine, coastal and estuarine geomorphology. In particular, the WFD assessment should assess the water connection (risk associated with the discharge of cooling water) and CO<sub>2</sub> gathering network, and specify the impacts

on the coastal and estuarine sediment and flow dynamics, and ultimately how this will impact upon habitats. The WFD assessment should also incorporate the accumulative effects of other projects in the area and any implications on the riverine, coastal and estuarine geomorphology.

We recommend that consideration should be given to the use of hydraulic models, which can be utilised to assess the risk to these habitats, and can influence any mitigation and betterment with the proposed development.

### **25 Year Environment Plan**

The 25 Year Environment Plan sets the direction for protecting and enhancing the environment over the next 25 years. In particular, it advocates approaches used for wildlife to also include wider natural capital benefits such as flood protection, recreation and improved water and air quality - streamlining environmental process, whilst achieving net environmental gains.

It also makes clear that developments should be looking toward enhancement of the environment and not just to mitigate. The level of mitigation/compensation for nationally designated sites will be based on the ecological potential of the sites not on the current ecological value.

### **Designated Sites and Habitats**

We are satisfied that the scoping report has considered all European Designated sites and Sites of Special Scientific Interest (SSSI). However, the scoping report does not include nationally designated sites or locally non-statutory sites which fall within the boundary such as:

- Teesmouth National Nature Reserve (NNR);
- Cowpen Bewley Woodland Country Park Local Nature Reserve (LNR);
- Coatham Marsh Local Wildlife Site (LWS),
- Wilton Woods Complex LWS
- Eston Pumping Station LWS
- Greenabella Marsh LWS

These nationally designated and non-statutory sites may be functionally linked to supporting protected species and habitats, but are outside the designated boundaries. They provide habitat for European Protected Species and Nationally Protected Species such as migratory routes and feeding grounds. They also provide alternative habitat during extreme weather events when the designated sites are not able to be used. We highly recommend these sites are taken into account during future assessments.

Saltholme RSPB Reserve is situated in close proximity to the proposed CO<sub>2</sub> Gathering Network Corridor. Therefore consultation with the RSPB should be undertaken.



### **Biodiversity and Environmental Opportunities**

Numerous local wildlife sites are present within the boundary and the surrounding area of the proposal. These have a high biodiversity, aesthetic and amenity value and engagement with the local community should begin early to help inform any changes and to identify any opportunities for betterment. The DCO application creates a number of opportunities for partnership working and the part funding of projects or schemes to help mitigate and enhance habitat in the area. In particular, the EA has strong links with conservation focused organisations in the area, and are happy to discuss potential options with the applicant. Opportunities to deliver environmental enhancement and net gain are as follows:

- The Tees Estuary Partnership has developed a Tees estuary habitat vision of habitat enhancement opportunities. Further information is available at <http://www.inca.uk.com/>. We would encourage the applicant to contact INCA and to have regard of opportunities within this vision to mitigate or compensate for impacts to habitats and species.
- The Tees estuary to Dabholm Gut to Coatham Fleet to Coatham Marsh ecological corridor is one such example where habitat enhancement and connectivity improvements could be made by including connectivity through to the Teesmouth and Cleveland Coast SPA at South Gare and Coatham Sands.  
The concept of enhancing the river corridors is included in South Tees Regeneration Master Plan' (2017).

### **Estuarine and Coastal Environment**

The proposed development should take into account the 'Clearing the Waters for All' guidance, relating to activities in the marine environment up to 1 nautical mile out to sea. Many activities need approval before they can go ahead and the above guidance will clearly explain what the applicant needs to provide and whether a WFD assessment is required as part of this application. The Clearing the Waters for All guidance is available at the following link <https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters>

Thermal modelling will be required to assess the range of the thermal discharge. Environmental impact, and WFD deterioration will need to be taken into consideration when analysing the results. Sea temperature rise due to climate change over the operational lifespan of the facility should also be assessed as part of the DCO application. In addition, accumulative effects from all thermal discharges within the Tees estuary should also be considered.

We recommend that the development proposal incorporates as best available practice Estuary Edges habitat designs on any existing or newly constructed



structures that intersect the inter tidal zone. The 'IMMERSE' project funded through EU Interreg is currently piloting implementation of such measures in the Tees estuary through the Tees Rivers Trust.

### **No Net Loss of Intertidal Habitat**

Development should not encroach either physically, or via its associated infrastructure (roads, connection corridors etc.) into the intertidal environment. There should be no net loss of habitat. The EA is committed to no net loss of intertidal and subtidal habitat. When encroachment is shown in plans for any new works, considerable justification for this, together with details of mitigation and compensation would need to be included. Opportunities use estuary edge techniques to improve habitats for wildlife in the Tees Estuary should be explored and incorporated into the DCO application. Further information is available at: <https://thamesestuarypartnership.org/our-projects/estuary-edges/>

The Tees Estuary Partnership has conducted an ecological enhancement study which provides details of available options. Further information is available from INCA.

### **Fish and Eels**

The DCO application must take protected fish species and eels into consideration, as the development will have impacts on the River Tees, which contains protected fish species, including Salmon, Sea trout, Eel and Lamprey. Eels are specifically covered within the Eel (England and Wales) Regulations 2009.

Developments that affect the migration of fish species, both upstream and downstream need to be fully considered for their potential impacts, and necessary mitigation measures agreed with the relevant body in this case the EA, to prevent damage to any protected species.

Activities that are likely to affect fish migration, include entrainment in cooling water systems, thermal impacts of discharges, noise associated with major developments such as impact piling and long term noise impacts from the operation of the site. Any major 'in river' works associated with the development may have water quality impacts, e.g. from mobilisation of silt and sediments, with resulting impacts on fish migrations.

### **Entrainment**

All appropriate mitigation to prevent entrainment of marine organisms on the cooling water intake should be in place. All endeavors should be taken to avoid entrainment. The abstraction should comply with screening guidance in relation to the eel regulations. Discharge of waste water to the sewage network is preferred. If discharge is direct to the estuary, implication of this in relation to WFD classification will need to be fully considered.



### **Piling Restrictions**

Piling restrictions may be imposed for any works taking place in the Tees Estuary or coastal waterbodies that could impair the passage of migratory fish;

- between the 1st March and 30th November, in any given year, no percussive piling should take place for 3 hours following low water to allow migration of adult salmon and sea trout on the flooding tide; and
- during the month of May, in any given year, preferably no percussive piling should take place at all. If this is impossible then no piling of any type should take place for the first 5-hours of the ebbing tide to allow migration of juvenile salmon and sea trout.

### **Dredging**

With respect to the potential impacts on migratory salmonids, background conditions are likely to be stressful during the warmer summer months. The smolt migration will occur during April to June and numbers of returning adults are likely to peak in early autumn. Therefore, if works are carried out between March and November, in any given year, a silt mitigation plan must be in place and/or an appropriate water quality monitoring programme must be implemented in accordance with a scheme agreed with the EA.

### **Non-Native Invasive Species (NNIS)**

The footprint of the proposed development contains records of NNIS including Japanese Knotweed, Giant Hogweed, Parrot's Feather, Water Fern and Nuttall's Waterweed which are listed under schedule 9 of the Wildlife and Countryside Act 1981. As such, it is an offence to introduce or spread these into the wild. NNIS must be included in future ecological assessments and considered within the DCO application, so an informed decision can be made regarding any mitigation for potential adverse effects.

### **Discharges and Outfalls**

3.33 states that there are two existing water discharge outfalls within the water connection corridors. If these existing discharge outfalls are to be used, the existing discharge permits would need to be transferred over, and potentially varied to reflect the new activity e.g. nature of discharge, volume, constituents, sample points, etc. A discharge permit from the EA will be required for any new discharges off site.

We would welcome consideration to assessing the feasibility and capacity of sewers within any 'Onshore or Offshore CO<sub>2</sub> Transport Pipeline Corridor' or 'CO<sub>2</sub> Gathering Network Corridors' to enable the diversion of the treated and untreated effluents from the Wilton Complex and Bran Sands Effluent treatment plant that currently discharge to the Tees estuary via Dabholme Gut, to discharge to the





North Sea. This diversion would enhance the quality of the Tees Estuary, and mitigate impacts to the Teesmouth and Cleveland Coast SPA resulting from pipeline construction. Furthermore, the diversion may be beneficial to the management of any cooling water, as the water used within the water cycle will need to be of extreme high purity, as stated in section 3.4 of the scoping opinion.

### **Groundwater**

The development area consists of areas of previous heavy industrial development which are likely to affect groundwater. The Sherwood Sandstone principle aquifer underlies sections of the development areas associated with CO<sub>2</sub> collecting and gas connection corridors. Principle aquifers provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. Therefore, an assessment of the impacts of the development on groundwater should be undertaken. Particular consideration should be given to the identification of appropriate remediation measures, in order to reduce the risks posed by the development to groundwater.

The Environmental Permitting (England & Wales) Regulations 2016 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater. Some remediation activities may also require an Environmental Permit from the Agency. Further information is available on the Gov.uk website at <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

### **Land Contamination**

In relation to land contamination at the proposed development, please note that we only consider issues relating to controlled waters. We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
4. Refer to the contaminated land pages on GOV.UK for more information.



### **Charged Planning Advice Service**

Should the applicant wish the EA to review any technical documents or want further advice, we may do this as part of our charged for planning advice service. As part of our charged for service, we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The terms and conditions of our charged for service is available at

<https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>

Please do not hesitate to contact me if you have any questions regarding this letter.

Yours faithfully

**Lucy Mo**

**Planning Technical Specialist - Sustainable Places**

Direct dial 020847 46524

Direct e-mail [lucy.mo@environment-agency.gov.uk](mailto:lucy.mo@environment-agency.gov.uk)



**Hoare, Owen**

---

**From:** ESP Utilities Group Ltd <donotreply@espug.com>  
**Sent:** 25 February 2019 12:03  
**To:** Hoare, Owen  
**Subject:** Your Reference: EN010103 – Teesside Cluster Carbon Capture Our Reference: PE138139. Plant Not Affected Notice from ES Pipelines

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Owenq Hoare  
The Planning Inspectorate

25 February 2019

Reference: EN010103 – Teesside Cluster Carbon Capture

Dear Sir/Madam,

Thank you for your recent plant enquiry at: Teesside Cluster Carbon Capture, Middlesbrough.

I can confirm that ESP Utilities Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.

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

**Important Notice**

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

Yours faithfully,

Plant Protection Team  
**ESP Utilities Group Ltd**



Bluebird House  
Mole Business Park  
Leatherhead  
KT22 7BA

☎ 01372 587500    📠 01372 377996

<http://www.espug.com>

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**Yorkshire & North East**

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Tel 0300 067 4900

[Yorkshirenortheast@forestrycommission.gov.uk](mailto:Yorkshirenortheast@forestrycommission.gov.uk)

**Area Director**

Crispin Thorn

Date: 22<sup>nd</sup> March 2019  
Our ref: YNE/I&R/Statutory/2019  
Your ref: EN010103-000010

Hannah Terry  
Senior EIA and Land Rights Advis  
The Planning Inspectorate  
3D Eagle Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

**BY EMAIL ONLY**

Dear Hannah Terry,

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11****Application by OGCI Climate Investments Holdings LLP for an Order Granting Development Consent for the Teesside Cluster Carbon Capture & Usage Project****Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

Thank you for seeking our advice on the on above dated 22<sup>nd</sup> February 2019.

The Forestry Commission is the Government experts on forestry & woodland and a statutory consultee (as defined by Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009)<sup>[1]</sup> for major infrastructure (Nationally Significant

---

<sup>[1]</sup> <http://www.legislation.gov.uk/ukxi/2009/2264/contents/made>

Infrastructure Projects (NSIPS)) that are likely to affect the protection or expansion of forests and woodlands (Planning Act 2008).

The Forestry Commission's responsibility is to discharge its consultee roles as efficiently, effectively and professionally as possible, based on the forestry principles set out in the [The UK Forestry Standard](#) (4th edition published 2017). **Page 23** "Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance (SLNCIs).

As highlighted in the National Planning Policy Framework: *Irreplaceable habitats including ancient woodland and veteran trees* section of the National Policy Statement National Networks (NPSNN): [National Planning Policy Framework](#) (published July 2018).

**Paragraph 175** – "*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*".

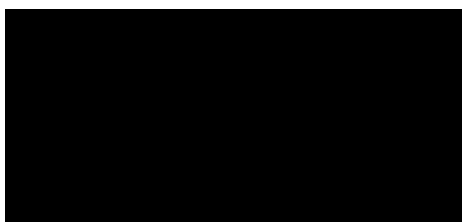
The Forestry Commission has also prepared joint [standing advice](#) with Natural England on ancient woodland and veteran trees which we refer you to as it notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland. It highlights the Ancient Woodland Inventory as a way to find out if woodland is ancient.

We have reviewed the consultation report. We do note that in reference to Woodland in section 2.23 the report only refers to: "The gas connection route will be designed to avoid, wherever possible, residential areas, designated ecological sites, woodland and other major technical and environmental constraints". This is without specific reference to mitigation or compensation for potential impact on adjacent or ancient woodland to the proposed gas connection routes. It would be good to hear more about this in the Environment Statement as there is one woodland site that appears to be directly adjacent to the DCO application boundary.

We have no further comments at this stage of the process.

If you wish to consult us further in relation to the Environmental Statement with the Forestry Commission please contact the Yorkshire and North East Office at the above address.

Yours sincerely



Jim Smith  
Local Partnership Adviser

## **Appendix 1:** A summary of Government policy on woodland

[Natural Environment and Rural Communities Act 2006](#) (published October 2006).

**Section 40** – “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

[National Planning Policy Framework](#) (published July 2018).

**Paragraph 175** – “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*”.

[National Planning Practice Guidance](#) – Natural Environment Guidance. (published March 2014)

This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission’s role as a non statutory consultee on “*development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in [Natural England’s Ancient Woodland Inventory](#)), including proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and where the development would involve erecting new buildings, or extending the footprint of existing buildings*”

It also notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, **Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy Framework**. It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.

[The UK Forestry Standard](#) (4th edition published August 2017).

Page 23: “Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance SLNCIs)”.

[Keepers of Time](#) – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005).

**Page 10** “The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland”.

[Natural Environment White Paper “The Natural Choice”](#) (published June 2011)

**Paragraph 2.53** - This has a “renewed commitment to conserving and restoring ancient woodlands”.

**Paragraph 2.56** – “The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites”.

[Standing Advice for Ancient Woodland and Veteran Trees](#) (first published October 2014, revised November 2017)

This advice, issued jointly by Natural England and the Forestry Commission, is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that are relevant to it.

The Standing Advice refers to an [Assessment Guide](#). This guide sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland. Summaries of some [Case Decisions](#) are also available that demonstrate how certain previous planning decisions have taken planning policy into account when considering the impact of proposed developments on ancient woodland.

[Biodiversity 2020: a strategy for England's wildlife and ecosystem services](#) (published August 2011).

**Paragraph 2.16** - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).

## **Appendix 2: Overarching National Policy Statement for Energy (EN-1)**

### **Part 1 Introduction**

**1.1.2** The Planning Act 2008 also requires that the IPC must decide an application for energy infrastructure in accordance with the relevant NPSs except to the extent it is satisfied that to do so would:

- lead to the UK being in breach of its international obligations;
- be in breach of any statutory duty that applies to the IPC;
- be unlawful;
- result in adverse impacts from the development outweighing the benefits; or
- be contrary to regulations about how its decisions are to be taken.

**1.4.2** The Planning Act 2008 sets out the thresholds for nationally significant infrastructure projects (NSIPs) in the energy sector. The Act empowers the IPC to examine applications and make decisions on the following nationally significant energy infrastructure projects:

- large gas reception and liquefied natural gas (LNG) facilities and underground gas storage facilities (meeting the thresholds set out in the Planning Act 2008, and explained in detail in Section 1.7 of the gas supply infrastructure and gas and oil pipelines NPS (EN-4)). For this infrastructure EN-1 in conjunction with EN-4 will be the primary basis for IPC decision making.

### **Part 5 Generic Impacts**

**5.3.14** Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The IPC should not grant development consent for any development that would result in its loss or deterioration unless the benefits (including need) of the development, in that location outweigh the loss of the woodland habitat. Aged or 'veteran' trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided.



Where such trees would be affected by development proposals the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons why.

**5.3.18** The applicant should include appropriate mitigation measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:

- during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works;
- during construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements;
- habitats will, where practicable, be restored after construction works have finished; and
- opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals.

### **Appendix 3: National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)**

#### **Part 2 Assessment and Technology-Specific Information**

**2.21.6** In circumstances where the habitat to be crossed contains ancient woodland, trees subject to a Tree Preservation Order, or hedgerows subject to the Hedgerows Regulations 1997, the applicant should consider whether it would be feasible to use horizontal direct drilling under the ancient woodland or thrust bore under the protected tree or hedgerow and the IPC should consider requiring this, where not included in the proposal.

#### **Appendix 4: other relevant policies and documents**

**The Clean Growth Strategy: Leading the way to a low carbon future<sup>1</sup>** (Updated April 2018)

**Page 107: What is natural capital?** "Natural capital enables us to think about our natural environment and the countryside as a set of valuable assets (for example, forests, clean air, soils, species, freshwaters, oceans and minerals). Like any asset, natural capital, if maintained and invested in, provides flows of services to the economy and society. These include food, energy, carbon sequestration, pollutant removal, flood risk reduction, recreational and educational opportunities, health benefits and many others."

**Paragraph 7:** "During the 2020s we need to accelerate the rate of tree planting, working towards our 12 per cent tree cover aspiration by 2060. ... Recently published natural capital accounts by the Office for National Statistics show that Britain's woodlands provide services of £2.3 billion per year to the economy in terms of recreation, carbon sequestration, timber and air pollutant removal."

**A Green Future: Our 25 Year Plan to Improve the Environment<sup>2</sup>** (Updated February 2018)

**Foreword from the Prime Minister:** "Our natural environment is our most precious inheritance. The United Kingdom is blessed with a wonderful variety of natural landscapes and

<sup>1</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/700496/clean-growth-strategy-correction-april-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700496/clean-growth-strategy-correction-april-2018.pdf)

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/693158/25-year-environment-plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf)

habitats and our 25 Year Environment Plan sets out our comprehensive and long-term approach to protecting and enhancing them in England for the next generation. ... By using our land more sustainably and creating new habitats for wildlife, including by planting more trees, we can arrest the decline in native species and improve our biodiversity."

**Foreword from the Secretary of State:** "Respecting nature's intrinsic value, and the value of all life, is critical to our mission. For this reason we safeguard cherished landscapes from economic exploitation, protect the welfare of sentient animals and strive to preserve endangered woodland and plant life, not to mention the greening of our urban environments. ... We need to replenish depleted soil, plant trees, support wetlands and peatlands, rid seas and rivers of rubbish, reduce greenhouse gas emissions, cleanse the air of pollutants, develop cleaner, sustainable energy and protect threatened species and habitats."

**Page 19:** "The value of natural capital is routinely understated. If we look at England's woods and forests, for example, as a national asset, using a natural capital approach, the value of the services they deliver is an estimated £2.3bn. Of this sizeable sum, according to a recent study, only a small proportion – 10% – is in timber values. The rest derives from other benefits provided to society, such as human recreation and carbon sequestration – the process by which trees lock-up and store carbon from the atmosphere."

**Page 47:** "We will increase tree planting by creating new forests, and incentivising extra planting on private and the least productive agricultural land, where appropriate. This will support our ambition to plant 11m trees. ... We will not focus solely on planting, however; we will also support increased protection of existing trees and forests. ... Beyond the economic benefits, the Government recognises the significant heritage value and irreplaceable character of ancient woodland and veteran trees. We are committed to ensuring stronger protection of our ancient woodlands, making sure they are sustainably managed to provide a wide range of social, environmental, societal and economic benefits."

**Industrial Strategy White Paper "Building a Britain fit for the future"**<sup>3</sup> (Published November 2017)

**Page 43:** "We also want everyone to feel the benefits of clean growth, so we will work to create a future where our cities benefit from cleaner air, our businesses from enhanced resource security and our countryside from regenerated natural capital."

**Page 135:** "We will work not just to preserve, but to enhance our natural capital – the air, water, soil and ecosystems that support all forms of life – since this is an essential basis for economic growth and productivity over the long term."

**Page 148:** "We are committed to moving towards a more circular economy – to raising productivity by using resources more efficiently, to increasing resilience by contributing to a healthier environment, and to supporting long-term growth by regenerating our natural capital."

**BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations**<sup>4</sup> (published April 2012)

Trees are important elements of green infrastructure, contributing to urban cooling through evapotranspiration and providing micro-climatic effects that can reduce energy demands in buildings. They therefore represent a key resource that can significantly contribute to climate change adaptation.

**Page 10** "The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland"

<sup>3</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/664563/industrial-strategy-white-paper-web-ready-version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/664563/industrial-strategy-white-paper-web-ready-version.pdf)

<sup>4</sup> <https://shop.bsigroup.com/ProductDetail/?pid=000000000030213642>

**From:** [Karen Thorpe](#)  
**To:** [Teesside Cluster](#)  
**Subject:** Teesside Cluster Carbon Capture & Usage Project  
**Date:** 12 March 2019 12:33:09  
**Attachments:** [image001.png](#)  
[image002.jpg](#)  
[image003.png](#)  
[image004.jpg](#)  
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[image012.png](#)

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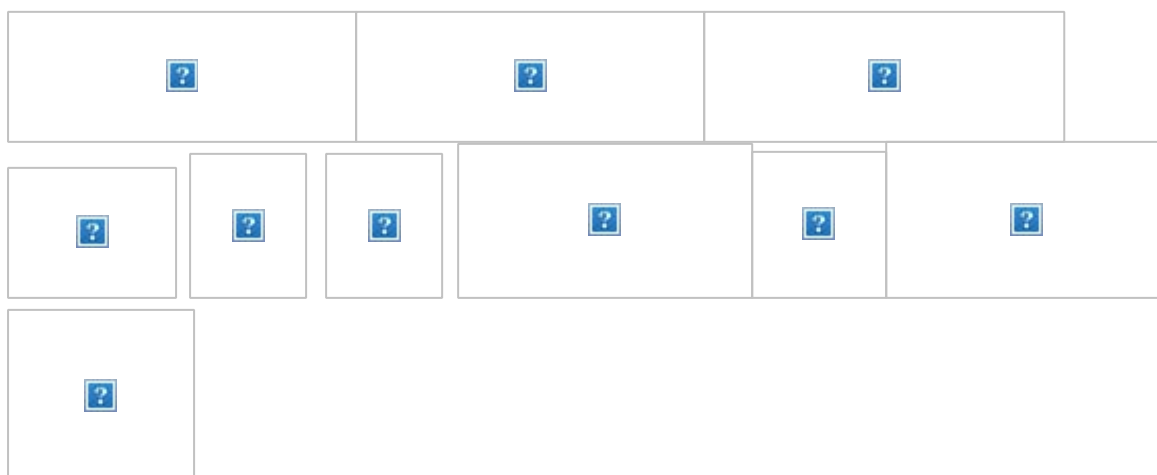
Good afternoon,

Thank you for sending the relevant information and material regarding the Teesside Cluster Carbon Capture & Usage Project.

Harlaxton Energy Networks Ltd. at this time has no assets in the area, and will not be implementing any in the near future, therefore Harlaxton has no comment to make on this scheme.

Kind Regards

Karen Thorpe  
Distribution Administrator  
0844 800 1813



Visit our website [harlaxtonenergynetworks.co.uk](http://harlaxtonenergynetworks.co.uk) and explore at your leisure

harlaxton-energy-logo



Toll Bar Road, Marston, Grantham, Lincolnshire, NG32 2HT  
Registered Company Number : 7330883

## Hoare, Owen

---

**From:** Karen Thorpe <karen@harlaxton.com>  
**Sent:** 12 March 2019 12:30  
**To:** Teesside Cluster  
**Subject:** Teesside Cluster Carbon Capture & Usage Project

Good afternoon,

Thank you for sending the relevant information and material regarding the Teesside Cluster Carbon Capture & Usage Project.

Harlaxton Gas Networks Ltd. at this time has no assets in the area, and will not be implementing any in the near future, therefore Harlaxton has no comment to make on this scheme.

Kind Regards

Karen Thorpe  
Distribution Administration Assistant



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Email: [developmentcontrol@hartlepool.gov.uk](mailto:developmentcontrol@hartlepool.gov.uk)

Our Ref: H/2019/0088

Your Ref: EN010103-000010

Contact Officer: Stephanie Bell ☎ 01429 523246

19 March 2019

PLANNING INSPECTORATE

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990**

**PROPOSAL: Scoping notification**

**LOCATION: TEESSIDE CLUSTER CARBON CAPTURE AND USAGE PROJECT**

I refer to your letter and information received on 22<sup>nd</sup> February 2019 regarding the information to be provided in an Environmental Statement related to the proposed development consent by OGCI Climate Investments Holdings LLP, in accordance with Regulations 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

This is a Nationally Significant Infrastructure Project (NSIP) which will be determined by the Planning Inspectorate (PINS). The site is within the Redcar and Cleveland Borough Council (BC) Local Authority area, with some connections across the River Tees into Stockton-on-Tees BC jurisdiction. Hartlepool BC is a neighbouring Local Planning Authority.

Thank you for consulting Hartlepool Borough Council on the above matter. In preparing the Council's response, I have consulted relevant internal consultees who may have interest or information that may help to determine the scope and level of detail of the Statement that will present details of the EIA.

**ECOLOGY**

The Council's Ecologist has confirmed that they support the findings presented in the submitted 'Application for a scoping opinion' document, as summarised in Section 8.1.

A Habitats Regulations Assessment will be required as stated in Sections 6.86 to 6.88.

In addition, Hartlepool BC recommends:

- That significant biodiversity enhancement measures are delivered as per NPPF guidance, and to support the nature conservation ambitions of the Redcar and Cleveland BC/ South Tees Development Corporation 'South Tees Regeneration Plan'.

- That the developer works with the Industry and Nature Conservation Association (INCA).

## FLOOD RISK, DRAINAGE & CONTAMINATED LAND

The Council's Engineering section has confirmed that drainage and contamination should be scoped into the EIA.

## ARCHAEOLOGY

The applicant has provided an EIA Scoping Report which has a section on Archaeology & Cultural Heritage. This states that a desk-based archaeological assessment will be carried out as part of the EIA, which will assess the potential impacts of the proposed development upon the significance of the heritage resource, and propose appropriate mitigation. Tees Archaeology has been consulted and has confirmed that they support this approach.

## PLANNING POLICY

The Council's Planning Policy section have no comments on the scope of the EIA, however they have advised that they have no objections to the proposed development. The Council are supportive of initiatives to address climate change and will support wider sub-regional initiatives, such as the Teesside Carbon Capture project, that will help to reduce CO2 emissions into the atmosphere. Consideration should be given to any environmental mitigation measures that may be required.

The following policies of the NPPF (February, 2019) are considered relevant to the proposed development:

- Para 2: Purpose of the planning system
- Para 7-9: Achieving sustainable development
- Para 10-12: Presumption in favour of sustainable development
- Para 38: Decision-making
- Para 47: Determining applications in accordance with the development plan
- Para 150: Avoiding impacts of climate change
- Para 152: Renewable, low-carbon energy
- Para 153: Decentralised energy

The following policy of the Hartlepool Local Plan (2018), adopted by the Council, is considered relevant to the proposed development:

CC1: Minimising and adapting to climate change

## NOISE POLLUTION & AIR QUALITY

The Council's Public Protection section has confirmed that noise and air quality issues are scoped in and they have no objections to the proposed approach to the EIA.

Summary:

The scoping opinion adopted is that the Environmental Statement should cover the information indicated in the submitted scoping opinion request and any additional issues raised by the consultation bodies outlined above.

If you need anything further, please let me know.

Hartlepool Borough Council will collect and process personal information in line with our legal obligations, details of which can be found on our web site [www.hartlepool.gov.uk/GDPR](http://www.hartlepool.gov.uk/GDPR) or by telephoning 01429 266522. Personal Information will be handled in accordance with the General Data Protection Regulation.

Yours faithfully

Stephanie Bell  
Graduate Planning Assistant

CEMHD Policy - Land Use Planning  
NSIP Consultations  
Building 1.2, Redgrave Court  
Merton Road, Bootle  
Merseyside, L20 7HS

Your ref: EN010103  
Our ref: 4.2.1.6577  
HSE email: [NSIP.applications@hse.gov.uk](mailto:NSIP.applications@hse.gov.uk)

Teesside Cluster Carbon Capture & Usage team  
The Planning Inspectorate  
Bristol  
BS1 6PN  
By e-mail

22/03/2019

Dear Teesside Cluster Carbon Capture & Usage team

**PROPOSED Teesside Cluster Carbon Capture & Usage - EIA scoping consultation (the project)**  
**PROPOSAL BY OGCI Climate Investments Holdings LLP (the applicant)**  
**INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) – Regulations 10 and 11**

Thank you for your letter of 22<sup>nd</sup> Feb 2019 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

**HSE's land use planning advice**

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

There are a large number of major hazard sites and major accident hazard pipelines in the vicinity.

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 Annex on the Planning Inspectorate's website - [Annex G – The Health and Safety Executive](#). This document includes consideration of risk assessments on page 3.

Contact should be made with the Operators of Major Hazard Installations and Major Hazard Pipelines in the immediate vicinity, to inform the Applicant's assessment of whether or not the proposed development is vulnerable to a possible major accident.

Hazardous Substance Consent

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

Hazardous Substances Consent would be required to store or use any of the Named Hazardous Substances or Categories of Substances at or above the controlled quantities set out in Schedule 1 of these Regulations.

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

Explosives sites

The proposed development has a licensed explosive site in the vicinity (Ports licensed site No43). The main site is at some distance from the Port however one of the 'gas connection corridors' lies between SD2 and SD3 from the licensed berth. HSE will only be in a position to provide detailed advice once the nature and positioning of any proposed structures in this corridor is known.



## **Electrical Safety**

No comment from a planning perspective.

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

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

Yours sincerely,



Dave Adams  
(CEMHD4 Policy)



Historic England

NORTH EAST OFFICE

Ms Hannah Terry  
The Planning Inspectorate  
Major Casework Directorate  
Temple Quay House, 2 The Square  
Bristol  
BS1 6NP

Direct Dial: 0191 2691233

Our ref: PL00551162

11 March 2019

Dear Ms Terry

Application by OGCI Climate Investments Holdings LLP for an Order Granting Development Consent for the Teeside Cluster Carbon Capture and Usage Project - Scoping Consultation

Further to your consultation of 22nd February 2019 on the above scoping opinion we make the following observations subsequent to the applicant's Scoping Report.

The baseline information for archaeology and cultural heritage (starting paragraph 6.121) appears focussed on the former SSI site whereas the application boundary encompasses a much wider area. Whilst the SSI site will be the focus of the main development it is conceivable that associated infrastructure could have impacts on archaeology and cultural heritage which need to be considered within an environmental impact statement.

The baseline information does not mention the Kirkleatham and Coatham conservation areas which could potentially be affected. The former contains a significant number of high grade listed buildings and is bordered by the application boundary. The impact upon the significance of these areas and not just any assets within them should be considered within an environmental impact statement.

Yours sincerely,

Martin Lowe  
Principal Inspector of Historic Buildings and Areas  
[martin.lowe@HistoricEngland.org.uk](mailto:martin.lowe@HistoricEngland.org.uk)



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Telephone 0191 269 1255  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



**Hoare, Owen**

---

**From:** Pater, Chris <Chris.Pater@HistoricEngland.org.uk>  
**Sent:** 08 March 2019 15:58  
**To:** Teesside Cluster  
**Cc:** Chadburn, Amanda; Lowe, Martin  
**Subject:** RE: EN010103 – Teesside Cluster Carbon Capture & Usage – EIA Scoping Notification and Consultation

Dear Mr Hoare,

It was noticed that the EIA Scoping Consultation report supplied to did not address the aspects of the proposed development which includes a submarine pipeline or selection of a suitable geological storage site for Carbon Dioxide beneath the North Sea as it was stated that these component of the proposed development will be considered within a separate EIA exercise.

Please therefore direct an separate EIA Scoping Consultation that addresses any aspects of the proposed development within the marine environment for my attention.

Yours sincerely,

Christopher Pater (MSc, PhD)  
Head of Marine Planning  
Regions Group

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Historic England | Floor 4 The Atrium | Cannon Bridge House | 25 Dowgate Hill | London | EC4R 2YA  
Mb: [REDACTED]  
Email: [chris.pater@HistoricEngland.org.uk](mailto:chris.pater@HistoricEngland.org.uk)

We have launched four new, paid-for Enhanced Advisory Services, providing enhancements to our existing free planning and listing services. For more information on the new Enhanced Advisory Services as well as our free services go to our website: [HistoricEngland.org.uk/EAS](http://HistoricEngland.org.uk/EAS)



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---

**From:** Teesside Cluster [mailto:TeessideCluster@planninginspectorate.gov.uk]  
**Sent:** 22 February 2019 12:03  
**To:** Pater, Chris  
**Cc:** Chadburn, Amanda; Harfield, Rebecca  
**Subject:** EN010103 – Teesside Cluster Carbon Capture & Usage – EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see attached correspondence on the proposed Teesside Cluster Carbon Capture & Usage Project.

Please note the deadline for consultation responses is 22 March 2019 and is a statutory requirement that cannot be extended.

Kind regards,  
Owen Hoare  
EIA and Land Rights Advisor  
Major Casework Directorate  
The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol BS1 6PN  
Direct Line: 0303 444 5799  
Helpline: 0303 444 5000  
Email: [owen.hoare@planninginspectorate.gov.uk](mailto:owen.hoare@planninginspectorate.gov.uk)

Web: <https://infrastructure.planninginspectorate.gov.uk/> (National Infrastructure Planning)

Web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) (The Planning Inspectorate)

Twitter: [@PINSgov](https://twitter.com/PINSgov)

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Hannah Terry  
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Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Your reference: **EN010103-000010**  
Our reference: **DCO/2019/00003**

**By email only**

22 March 2019

Dear Ms Terry,

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (THE EIA REGULATIONS) – REGULATIONS 10 AND 11**

Thank you for your letter dated 22 February 2019, notifying the Marine Management Organisation (the “MMO”) of the proposed application by the Oil and Gas Climate Initiative (“OGCI”) Climate Investments Holdings LLP for an Order granting Development Consent for the proposed Teesside Cluster Carbon Capture & Usage Project.

**The MMO’s role in Nationally Significant Infrastructure Projects**

The MMO was established by the Marine and Coastal Access Act 2009 (the “2009 Act”) to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.

The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and Northern Irish offshore waters by way of a marine licence<sup>1</sup>. Inshore waters include any area which is submerged at mean high water spring (“MHWS”) tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area.

In the case of Nationally Significant Infrastructure Projects (“NSIPs”), the Planning Act (the “2008 Act”) enables Development Consent Order’s (“DCO”) for projects which affect the marine environment to include provisions which deem marine licences<sup>2</sup>.

---

<sup>1</sup> Under Part 4 of the 2009 Act

<sup>2</sup> Section 149A of the 2008 Act



As a prescribed consultee under the 2008 Act, the MMO advises developers during pre-application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.

Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence (“DML”) enable the MMO to fulfil these obligations.

The construction, alteration or improvement of any works (including those associated with this project, such as water and or sewage pipelines) in the UK marine area, as defined by the Marine and Coastal Access Act (2009) Section 42, may require a Marine Licence from the MMO. There are a number of components within this project which appear likely to require a Marine Licence. Whilst this is the case, and although the MMO does not interpret third party legislation, there may be areas of the project which are consented under separate consenting regimes. This may include works carried out in explicit relation to oil and gas, carbon capture and storage, require a marine licence from the MMO.

As an advisory point, we note that the following activities are typically regulated by the Oil and Gas Authority (“OGA”) and the Offshore Petroleum Regulator for Environment and Decommissioning (“OPRED”) which sit within the Department for Business, Energy and Industrial Strategy (“BEIS”). Generally, and pending the case-specific details of each project, the MMO is not currently responsible for licensing the following activities<sup>3</sup>:

- Exploring for and obtaining petroleum under Section 3 of the Petroleum Act 1998 and Section 2 of the Petroleum Production Act 1934
- Constructing or maintaining pipelines and/or offshore installations under the Petroleum Act 1998 (Offshore installation is: an installation which is maintained in the water, or on the foreshore or other land intermittently covered with water, and is not connected with dry land by a permanent structure providing access at all times and for all purposes).
- The decommissioning of offshore oil and gas installations and pipelines under the Petroleum Act 1998.
- Unloading, storing or recovering gas under the Energy Act 2008
- Works detrimental to navigation under part 4A of the Energy Act 2008

Further information on licensable activities can be found on the MMO’s website<sup>4</sup>. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note<sup>5</sup>.

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<sup>3</sup> Section 77 the 2009 Act

<sup>4</sup> <https://www.gov.uk/planning-development/marine-licences>

<sup>5</sup> <http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-11-v2.pdf>

## **Teesside Cluster Carbon Capture & Usage Project**

Climate Investments, as part of the OGCI, propose the development of a Combined Cycle Gas Turbine (“CCGT”) gas-fired generating station. Such a station is proposed to be accompanied by gas, electricity and cooling water connections, with post-combustion carbon capture and compression plant. Proposals also include a gathering station for carbon dioxide (“CO<sub>2</sub>”) from the generating station and other industrial sources as well as allow-pressure CO<sub>2</sub> pipeline connections to potential industrial sources, and a high pressure CO<sub>2</sub> pipeline for the onward transport CO<sub>2</sub> to an offshore geological storage site in the North Sea. Works are proposed to take place on and around the former Sahaviriya Steel Industries UK Limited (SSI) steel works site on the southern bank of the River Tees estuary in Redcar, South Teesside (the “Project”).

The Project is presently subject to on-going technical studies, however, the generating station is expected to comprise up to three CCGT trains achieving an electrical output capacity of up to 2,100 megawatts (“MW”) onto the national transmission network.

For the purposes of the Environmental Impact Assessment (“EIA”) Scoping Report prepared by AECOM Infrastructure and Environment UK Ltd dated February 2019, the Project is split into a number of distinct areas:

- ‘Main Site’ - Encompassing the proposed CCGT generation station, CO<sub>2</sub> capture equipment, cooling, transformers and auxiliary equipment together with providing sufficient land for use (as laydown) during the construction of this part of the Project. Scoping Report Figure 1 shows this to be entirely above MHWS.
- ‘Gas Connection Corridors’ - The areas currently under consideration for the construction of the gas supply pipeline and associated infrastructure. Scoping Report Figure 2 shows this area to cross the River Tees at 2x locations.

Whilst it is currently being considered as to whether the gas connection pipeline(s) can be routed via one of the two existing utilities tunnels beneath the River Tees, subject to consultation and available capacity, a new crossing may be required. As such, this area of the Project has the potential to include activities capable of requiring a Marine Licence.

- ‘Electrical Connection Corridors’ - The areas currently under consideration for the construction of the connection to the National Grid national electricity transmission system (NETS). Scoping Report Figure 3 shows this area to be entirely above MHWS.
- ‘Water Connection Corridors’ - The areas currently under consideration for the construction of pipelines for the abstraction and discharge of water. Scoping Report Figure 4 shows this area to cover parts of both the mouth of the River Tees and the North Sea.

The cooling technology for the Project is subject to on-going feasibility studies, including an analysis of water requirements and availability; however, the corridors currently under consideration for the development of connections for the supply and discharge of water are based on the reuse/refurbishment of such existing infrastructure. If reuse is feasible, it is likely that works would be required in order to upgrade the existing abstraction /

discharge infrastructure. If reuse is not possible, replacement of such infrastructure is anticipated, along the same or a similar route(s) within the Water Connection Corridors. As such, this area of the Project has the potential to include activities covered by the MMO's remit.

- 'Onshore CO2 Transport Corridor' - The area currently under consideration for the construction of the on-shore portion of the CO2 export pipeline. Scoping Report Figure 4 shows this area to cover an area of the North Sea.

The onshore pipeline will have a diameter of up to 800 millimetres and will be installed below ground, with the depth increasing for areas below key receptors or infrastructure. While referred to as the 'onshore' section of the corridor, the Scoping Report notes that this extends up to mean low water springs ("MLWS"). As such, this area of the Project has the potential to include activities capable of requiring a Marine Licence..

- 'CO2 Gathering Network Corridors' - The area currently under consideration for the construction of a pipe network that could be used by existing CO2 emitters to export CO2 captured from their processes to the Main Site for onward transport to a depleted hydrocarbon field for geological storage beneath the North Sea, building on work undertaken by the Teesside Collective. Scoping Report Figure 4 shows this area to cross the River Tees at 2x locations.

Whilst it is currently being considered as to whether the CO2 gathering network pipeline(s) can be routed via one of the two existing utilities tunnels beneath the River Tees, subject to consultation and available capacity, a new crossing may be required. As such, this area of the Project has the potential to include activities capable of requiring a Marine Licence.

### **MMO Scoping Opinion**

The EIA Scoping Report covers the onshore works associated with the Project only, with onshore works described as those works that take place up to MLWS. The Scoping Report further notes that offshore works, including the sub-sea CO2 pipeline and storage site, will be assessed under a separate Scoping Report.

It is very unclear from the Scoping Report what the intention is moving forward through the EIA process. While the Scoping Report notes that the onshore and offshore works will be split with regards to scoping considerations, one Environmental Statement should be produced which considers the impacts of the Project as a whole.

It should be noted therefore that, without sight of the proposed scope for the offshore works (i.e. those beyond MLWS), it is difficult to fully consider the Project as a whole and provide meaningful comments.

Notwithstanding this, please see below our response with section specific comments surrounding the Scoping Report as it has been presented so far.



### **Planning policy**

Section 5 of the Scoping Report details the main planning and energy policy documents taken into account in terms of defining the scope of the EIA. It should be noted that, while the Project includes the potential for works below MHWS, consideration must be given to any relevant marine plans. At the time of writing, there is no marine plan in place for the North East inshore area. In the absence of a marine plan, the Marine Policy Statement should therefore be considered during the EIA process.

### **Potential significant environmental issues**

The hydrology and water resources subsection of section 6 notes that, given the tidal nature of the River Tees in this location, the application for a DCO for the Project may include provisions for a DML. The MMO supports the inclusion of a DML within any application for a DCO for the Project, and would look to work with Climate Investments to agree the content of this prior to DCO application submission. All activities licensable under the 2009 Act should be captured within the DML, and would include refurbishment / upgrading / maintenance works alongside the construction of any new infrastructure. We note that at present, the MMO has not been involved in pre-application engagement with the applicant; we recommend that the applicant engage with the MMO directly to discuss any licensing requirements that the project may have.

While a wide range of potential impacts pertaining to marine ecology have been scoped in, very little information has been provided with regards to the baseline features or specific potential impacts. The MMO would expect this to be presented in detail during the EIA process.

There is no explicit description of coastal processes impacts in the Scoping Report. There is mention of subsea pipelines that will transport CO<sub>2</sub> to the offshore storage site. However, it is expected that these will be considered during the offshore scoping. In the offshore Scoping Report the interactions between the subsea infrastructure and hydrodynamics, as well as scour resulting from subsea infrastructure should be addressed.

Fish receptors have not been identified within section 6 and do not appear to have been scoped into the EIA. Should works be required within intertidal or estuarine areas of the River Tees and/or North Sea, then the EIA should provide a characterisation of fish ecology by identifying the fish species and habitats within the study area which may be subject to the impacts of activities.

The lack of information with regards to fish ecology makes it impossible to determine whether an accurate baseline for fish has been established or will be presented within any subsequent ES. Should works be required within intertidal or estuarine areas of the River Tees and/or North Sea, the MMO would expect the EIA to include a desk-based review of marine and migratory fish species found in the study area so that any potential impacts to fish from construction activities can be identified.

Information on fish ecology for the Tees should be gathered through a desk-based assessment using scientific publications and publicly available data, such as:

- Information on spawning and nursery grounds of fish can be found in Coull et al. (1998) and Ellis et al. (2012).
- The Environment Agency (EA) undertakes fisheries surveys in the coastal and transitional waters of the river Tees which may provide additional fisheries data. Data from these surveys can be downloaded at: <https://ea.sharefile.com/share/view/s448a8da707c409da>
- There are a number of migratory fish species which utilise the Tees Estuary including salmon (*Salmo salar*), sea trout (*Salmo trutta*), European eel (*Anguilla Anguilla*) river lamprey (*Lampetra fluviatilis*) and sea lamprey (*Petromyzon marinus*), all of which are priority species for the Tees Valley Biodiversity Action Plan (BAP) (Tees Valley Nature Partnership 2012).
- The Tees is recognised as the main Salmon River in England and Wales with a Salmon Action Plan enforced by the Environment Agency.

The report appears to lack any reference to or consideration of potential impacts to local fisheries – and marine ecology – arising from the use of seawater as a means to cool the CCGT. Whilst this is a primary area of interest for the EA, the MMO retain an interest given there may be a requirement for the licensing and assessment of cooling water infrastructure (whether this be maintenance of an existing feature or construction of new facilities). Although we appreciate the proponents of the project are still undergoing feasibility reporting to determine a cooling strategy, as cooling water still remains an option open for consideration, it should be clearly addressed in the report.

In particular, additional information should be provided around the nature of cooling infrastructure; this may include but is not limited to:

- Indicative ‘worst-case’ cooling water volumes and source locations in the UK Marine Area
- A characterisation of the thermal and chemical impacts on the local environment as a result of cooling water infrastructure
- Thorough consideration of the risks associated with impingement, entrainment and entrapment of species
- Confirmation of any mitigation that is likely to be considered for use or installed as part of works
- Confirmation of local environmental conditions and anticipated biofouling risks (this should be accompanied with clear insight into what - if any biofouling - strategies are required such as chemical additive usage, chlorination, pipeline liner or tunnel ‘pigging’ etc.)

Such information should be accompanied with a clear reference to species which have, as a result, been scoped into or out of the assessment.

At this stage Project details are limited, for example it is currently unknown if existing infrastructure and/or tunnels can be used or if new infrastructure and/or tunnels will be required. As such, it is impossible to understand potential impacts to fisheries and/or other marine users. The MMO would expect that, moving forward, potential impacts on local fisheries and other marine users are considered during the EIA process.

## **Conclusion**

The Scoping Report does not clearly define the nature of the proposed marine works relevant to the Project, therefore it is difficult to determine whether the appropriate impacts will be scoped in to the EIA. While the Scoping Report purports to cover works down to MLW, there appears to be very little consideration given to works required within the intertidal zone (i.e. between MHWS and MLWS).

As previously noted, the MMO would support the inclusion of a DML within any application for a DCO for the Project; we recommend that Climate Investments engage with the MMO to agree the content of any potential DML prior to any eventual DCO application submission.

The MMO notes the intention to submit a further 'offshore' Scoping Report; we look forward to reviewing and providing further comment in due course.

## **Your feedback**

We are committed to providing excellent customer service and continually improving our standards and we would be delighted to know what you thought of the service you have received from us. Please help us by taking a few minutes to complete the following short survey (<https://www.surveymonkey.com/r/MMOMLcustomer>).

If you require any further information please do not hesitate to contact me using the details provided below.

Yours Sincerely,



Laura Calvert  
Marine Licensing Case Officer  
T: 020802 65341  
E: [laura.calvert@marinemanagement.org.uk](mailto:laura.calvert@marinemanagement.org.uk)

Copies to:

Edward Walker (Marine Licensing Senior Case Manager, MMO)  
Hannah Towner (Marine Licensing Case Manager, MMO)

## Hoare, Owen

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**From:** Thomas Bulpit <Thomas.Bulpit@mcga.gov.uk>  
**Sent:** 21 March 2019 15:55  
**To:** Teesside Cluster  
**Cc:** navigation safety; Bev Allen  
**Subject:** MCA Response to Scoping Request: Teesside Cluster

FAO: Hannah Terry, PINS Ref: EN010103-000010

Dear Planning Inspectorate,

Thank you for the opportunity to comment on this application for a Scoping Opinion from AECOM for the development of a proposed Cluster Carbon Capture and Usage Project in Teesside.

The MCA Navigation Safety Branch's remit is to consider the potential risk to the safety of navigation posed by works below the Mean High Water Springs. Following review of the document supplied by AECOM, we note that the main site will fall above the MHWS, however there is consideration for some connection pipes to be built under the River Tees, and associated infrastructure / access routes.

If no works take place within the marine environment then MCA will likely not have an interest in the project, however we note that if materials are brought in by vessel during the construction and operation, then there may be an increase in marine traffic in the area. This will fall under the Statutory Harbour Authority jurisdiction of PD Teesport, and we would expect them to be fully consulted and engaged with by the developer so that any potential hazards can be identified and mitigated through the Port's Safety Management System, in accordance with the Port Marine Safety Code. A Navigational Risk Assessment may be required to be undertaken by the developer relevant to the scale of the works.

We will look forward to receiving more information as the project progresses.

Best Regards,

Tom

**Thomas Bulpit, Marine Licencing Lead**  
Navigation Safety Branch, DMSS  
Maritime & Coastguard Agency  
Spring Place, 105 Commercial Road, Southampton, SO15 1EG  
Direct: 020381 72418 | Mobile: 07825 792138  
Email: [Thomas.bulpit@mcga.gov.uk](mailto:Thomas.bulpit@mcga.gov.uk)



**Safer Lives, Safer Ships, Cleaner Seas**





**Defence  
Infrastructure  
Organisation**

The Planning Inspectorate  
Major Casework Directorate  
Temple Quay House,  
2 The Square  
Bristol  
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**Safeguarding Department  
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Defence Infrastructure Organisation  
Kingston Road  
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**Tel:** +44 (0)121 311 2025 **Tel (MOD):** 94421 2025

**Fax:** +44 (0)121 311 2218

**Email:** DIO-safeguarding-statutory@mod.uk

[www.mod.uk/DIO](http://www.mod.uk/DIO)

06 Mar 2019

Dear Hannah Terry,

**Your Reference:** ENO10103-000010

**Our Reference:** 10045269

**MOD Safeguarding - SITE OUTSIDE SAFEGUARDING AREA**

**Proposal:** ENO10103-000010 – Teesside Cluster Carbon Capture & Usage – EIA Scoping Notification and Consultation

**Location:** East of the Redcar Bulk Terminal, on the south bank of the River Tees

**Planning Reference:** ENO10103-000010

Thank you for consulting Defence Infrastructure Organisation (DIO) on the above proposed development. This application relates to a site outside of Ministry of Defence safeguarding areas.

I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

I trust this adequately explains our position on this matter.

Yours sincerely

Mr Michael Billings  
Assistant Safeguarding Officer

## Land and Acquisitions

Anne Holdsworth  
DCO Liaison Officer  
Network Management  
anne.holdsworth@nationalgrid.com  
Direct tel: +44 (0)7960175682

SUBMITTED ELECTRONICALLY:  
[TeessideCluster@planninginspectorate.gov.uk](mailto:TeessideCluster@planninginspectorate.gov.uk)

[www.nationalgrid.com](http://www.nationalgrid.com)

20 March 2019

Dear Sir/Madam

**EN010103 APPLICATION BY OCGI CLIMATE INVESTMENTS HOLDINGS LLP (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE TEESIDE CLUSTER CARBON CAPTURE & USAGE PROJECT (THE PROPOSED DEVELOPMENT) SCOPING CONSULTATION**

This is a response on behalf of National Grid Electricity Transmission PLC (NGET) and National Grid Gas PLC (NGG).

I refer to your letter dated 22<sup>nd</sup> February 2019 in relation to the above proposed application. Having reviewed the scoping report, I would like to make the following comments:

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

#### **Electricity Transmission**

National Grid Electricity Transmission has high voltage electricity overhead transmission lines, underground cables, substations and fibre cables within or in close proximity to the scoping area /proposed order limits. The overhead lines, cables and substations form an essential part of the electricity transmission network in England and Wales.

The details of the electricity assets are shown below:

#### Substations

- Tod Point 275kV Substation
- Tod Point 66kV Substation
- Grangetown 66kV Substation
- Grangetown 275kV Substation
- Greystones B 275kV Substation
- Lackenby 275kV Substation
- Lackenby 66kV Substation
- Lackenby 400kV Substation

- Saltholme 275kV Substation
- Saltholme 132Kv Substation
- Wilton 275kV Substation

## Overhead Lines

- |                               |  |
|-------------------------------|--|
| • YYQ (275kV) overhead line   | Hartlepool - Tod Point<br>Lackenby - Tod Point             |
| • ZZA (400kV) overhead line   | Lackenby - Norton 400kv 1<br>Lackenby - Tod Point          |
| • YYX (275kV) overhead line   | Greystones 'A' - Lackenby 1<br>Greystones 'A' - Lackenby 2 |
| • YYV (275kV) overhead line   | Greystones 'B' - Lackenby 3<br>Greystones 'B' - Lackenby 4 |
| • 2TX (400kV) overhead line   | Lackenby - Thornton 1<br>Lackenby - Thornton 2             |
| • YYJ/N (400kV) overhead line | Lackenby - Norton 400kv 1<br>Norton - Saltholme            |

## **Cables**

- Grangetown - Lackenby 2
- Grangetown - Lackenby 1

## **Other Apparatus**

- Pilot cables
- Cablefibre lengths

## **Gas Transmission Infrastructure:**

National Grid Gas has high pressure gas transmission pipelines, offtakes, Above Ground Installations (AGI) and associated apparatus, located within or in close proximity to the proposed order limits. The transmission pipelines form an essential part of the gas transmission network in England, Wales and Scotland:

- Feeder 6 Cowpen Bewley - Teesside BOC
- Feeder 6 Cowpen Bewley - Billingham ICI
- Feeder 6 Cowpen Bewley - Little Burdon To Billingham
- Billingham AGI
- Enron Billingham AGI
- Teesside AGI
- Teesside BASF AGI
- Teesside BOC AGI

I enclose plans showing the route of National Grid's overhead line and the gas transmission pipelines.

## Specific Comments – Electricity Infrastructure:

- National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004)
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above.
- National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.



## Gas Infrastructure

The following points should be taken into consideration:

- National Grid has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.

### Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.
- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Consent is required for any crossing of the easement

### Cable Crossings:

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- Clearance must be at least 600mm above or below the pipeline.
- Impact protection slab should be laid between the cable and pipeline if cable crossing is above the pipeline.
- A Deed of Consent is required for any cable crossing the easement.

- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.

#### General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22.
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

To view the SSW22 Document, please use the link below:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW/safeworking.htm>

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

#### **Further Advice**

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

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

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

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

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

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours faithfully



**Anne Holdsworth**  
**DCO Liaison Officer, Land and Acquisitions**





- Legend:**
- Substations Commissioned
  - Circuits
    - Commissioned
    - Decommissioned Group
    - Planned and Spares
  - OHL 400kV Commissioned
  - OHL 275kV Commissioned
  - OHL 132kV & Below Commissioned
  - Towers Commissioned
  - Buried Cable Commissioned
  - Fibre Cable Commissioned
  - Pilot Cable
  - Oil Pipe
  - Cooling Pipe
  - Cooling Station
  - RAMM
  - Cable Tunnel
  - Gas Operational Boundary
  - Gas Site Boundary
  - Trial Hole
  - Vantage Point
  - Block Valve
  - Compressor
  - LNG Site
  - Multijunction
  - Minimum Offtake
  - Future Minimum Offtake
  - Offtake
  - Pressure Reduction Installation
  - Pig Trap
  - Terminal
  - Transferred Offtake
  - Aerial Marker Post
  - Pipe Crossing Point
  - CP Test Post
  - Transformer Rectifier
  - Pipeline Crossing
  - Sleeve
    - Nitrogen Sleeve
    - Other Sleeves
  - CP Protected Section
  - Range
  - Pipe Line Control Point
  - Pipeline
  - Named Pipeline Section
  - River Crossings

**Notes:**

Tees CCCU Plan 1

0 0.51 1.0 Kilometers

OS Disclaimer: Background Mapping information has been reproduced from the Ordnance Survey map by permission of Ordnance Survey on behalf of The controller of Her Majesty's Stationery Office. ©Crown Copyright Ordnance Survey NationalGrid Electricity-100024241.NationalGrid Gas-100024886

Date: 14/03/2019  
Time: 15:53:20

Page size: A3 Landscape  
Print by: Holdsworth, Anne

Scale: 1: 20,000



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Note: Any sketches on the map are approximate and not captured to any particular level of precision.