



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

SCOPING OPINION

Proposed International Advanced Manufacturing Park (IAMP)

Planning Inspectorate Reference: BC030001

September 2016

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	3
1 INTRODUCTION.....	5
BACKGROUND.....	5
THE SECRETARY OF STATE'S CONSULTATION	6
STRUCTURE OF THE DOCUMENT.....	7
2 THE PROPOSED DEVELOPMENT	8
INTRODUCTION.....	8
THE APPLICANT'S INFORMATION.....	8
THE SECRETARY OF STATE'S COMMENTS	14
3 EIA APPROACH AND TOPIC AREAS	22
INTRODUCTION.....	22
EU DIRECTIVE 2014/52/EU.....	22
NATIONAL POLICY STATEMENTS (NPS)	22
ENVIRONMENTAL STATEMENT APPROACH	23
ENVIRONMENTAL STATEMENT STRUCTURE.....	24
MATTERS TO BE SCOPED IN/OUT	25
TOPIC AREAS	26
4 OTHER INFORMATION	38
 APPENDIX 1 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT	
 APPENDIX 2 – LIST OF CONSULTATION BODIES FORMALLY CONSULTED	
 APPENDIX 3 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES	

EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for the Proposed International Advanced Manufacturing Park (IAMP), spanning the local authority boundaries of South Tyneside Council (STC) and Sunderland City Council (SCC).

This report sets out the Secretary of State's Opinion on the basis of the information provided in IAMP LLP's ('the Applicant') report entitled 'International Advanced Manufacturing Park Environmental Impact Assessment Scoping Report ('the Scoping Report')'. The Opinion can only reflect the proposals as currently described by the Applicant.

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

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

- Description of development including the proposed energy centre;
- Biodiversity, in particular effects on birds, the River Don and associated habitats;
- Landscape and visual impact including night time lighting;
- Traffic effects relating to revised junction arrangements and increased usage of Washington Road; and
- Drainage impacts in relation to water quality and flood risk.

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

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

1 INTRODUCTION

Background

- 1.1 On 17 August 2016, the Secretary of State received the Scoping Report submitted by IAMP LLP under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a scoping opinion for the proposed International Advanced Manufacturing Park (IAMP) ('the proposed development'). This Opinion is made in response to this request and should be read in conjunction with the Applicant's Scoping Report.
- 1.2 The Secretary of State for Communities and Local Government confirmed by letter on 15 September 2015 that the project satisfied the prescribed description of a business and commercial project for the purposes of section 35(2)(a)(ii) of the Planning Act 2008 (PA2008) and regulation 2 of The Infrastructure Planning (Business or Commercial Projects) Regulations 2013.
- 1.3 The Applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the proposed development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the proposed development is determined to be EIA development.
- 1.4 The EIA Regulations enable an Applicant, before making an application for an order granting development consent, to ask the Secretary of State to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the environmental statement (ES).
- 1.5 Before adopting a scoping opinion the Secretary of State must take into account:
 - (a) *the specific characteristics of the particular development;*
 - (b) *the specific characteristics of the development of the type concerned; and*
 - (c) *environmental features likely to be affected by the development'.*

(EIA Regulation 8 (9))
- 1.6 This Opinion sets out what information the Secretary of State considers should be included in the ES for the proposed development. The Opinion has taken account of:
 - The EIA Regulations;
 - The nature and scale of the proposed development;

- The nature of the receiving environment; and
 - Current best practice in the preparation of an ES.
- 1.7 The Secretary of State has also taken account of the responses received from the statutory consultees (see Appendix 3 of this Opinion). The matters addressed by the Applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Secretary of State will take account of relevant legislation and guidelines (as appropriate). The Secretary of State will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).
- 1.8 This Opinion should not be construed as implying that the Secretary of State agrees with the information or comments provided by the Applicant in their request for an opinion from the Secretary of State. In particular, comments from the Secretary of State in this Opinion are without prejudice to any decision taken by the Secretary of State (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.
- 1.9 Regulation 8(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 brief description of the nature and purpose of the development and of its possible effects on the environment; and*
 - (c) such other information or representations as the person making the request may wish to provide or make.*
- (EIA Regulation 8 (3))*
- 1.10 The Secretary of State considers that this has been provided in the Applicant's Scoping Report.

The Secretary of State's Consultation

- 1.11 The Secretary of State has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 2. A list has also been compiled by the Secretary of State under their duty to notify the consultation bodies in accordance with Regulation 9(1)(a). The Applicant should note that whilst the Secretary of State's list can

inform their consultation, it should not be relied upon for that purpose.

- 1.12 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 at Appendix 2 along with copies of their comments at Appendix 3, to which the Applicant should refer in undertaking the EIA.
- 1.13 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.
- 1.14 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 Planning Inspectorate's (PINS) website. The Applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

- 1.15 This Opinion is structured as follows:
- **Section 1** – Introduction;
 - **Section 2** – The Proposed Development;
 - **Section 3** – EIA Approach and Topic Areas; and
 - **Section 4** – Other Information.
- 1.16 This Opinion is accompanied by the following Appendices:
- **Appendix 1** – Presentation of the environmental statement;
 - **Appendix 2** – List of Consultation Bodies formally consulted; and
 - **Appendix 3** – Respondents to consultation and copies of replies.

2 THE PROPOSED DEVELOPMENT

Introduction

- 2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the Applicant and included in 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.

The Applicant's Information

Overview of the proposed development

- 2.2 Chapter 2 of the Applicant's Scoping Report provides a description of the proposed development. In broad terms, the IAMP is proposed to support growth of the automotive and advanced manufacturing sectors in the UK and north east region and contribute to achieving key objectives of the Government's Northern Powerhouse agenda.
- 2.3 The IAMP will provide accommodation for the projected growth in the automotive and advanced manufacturing sectors, on land to the north of the existing Nissan UK car manufacturing plant (NMUK), to the west of the A19 and to the south of the A184. NMUK currently employs 7,000 people and supports 20,000 supplier jobs in the wider north east region.
- 2.4 Section 2.3 of the Scoping Report outlines the key components of the IAMP comprising approximately 260,000m² of floor space across a 100ha site.
- 2.5 Section 2.8.2 describes the mix of land uses classifications¹ that the proposed development is likely to comprise in order to *"meet the needs of the automotive and advanced manufacturing sectors"*:
- Class B1(c) – 'Business' (for an industrial process);
 - Class B2 – 'General industrial' (for the carrying on of an industrial process outside of class B1);
 - Class B8 – 'Storage or distribution' (use for storage or as a distribution centre);
 - Elements of the following will also be required;

¹ Uses defined in accordance with The Town and Country Planning (Use Classes) Order 1987 (as amended), available from <http://www.legislation.gov.uk/ukxi/1987/764/contents/made>

- Class B1(a) – ‘Business’ (use as an office outside of class A2); and
- Class B1(b) – ‘Business’ (for research and development of products or processes).

2.6 The scheme will also require the following elements:

- Internal access roads and footways;
- Ecological and landscape enhancement areas;
- Bridge across the River Don;
- A road bridge across the A19;
- Other associated ancillary uses including
 - A public transport interchange; and
 - Retail, leisure and a hotel components;
- Utilities provision with the potential provision of an energy centre; and
- Electricity sub-station upgrades.

2.7 The Applicant also identifies enabling infrastructure and works likely to be required to facilitate the IAMP, including:

- Upgrades to existing key road junctions (Downhill and Follingsby Lanes, and the interface with NMUK plant);
- New and upgrading of existing, cycle-ways and footpaths; and
- Provision of utility links to the site.

2.8 Appendix D of the Scoping Report presents an indicative masterplan showing the layout of the IAMP within the identified indicative DCO site boundary (as presented at Appendix B of the Scoping Report). The indicative masterplan shows the proposed areas of built development as well as road links and areas of green space and landscaping.

2.9 At section 2.4.1 of the Scoping Report, the Applicant describes that the IAMP would be built out over an anticipated period of 15 years with the timing/phasing of proposed land uses outlined in Appendix C of the Scoping Report. The Applicant therefore anticipates the proposed development being first operational in 2018/19 and being completed in 2026/27.

2.10 Appendix H of the Scoping Report presents a constraints plan identifying that the entirety of the proposed development site lies within the Green Belt. Section 2.5.1 of the Scoping Report explains that Sunderland City Council (SCC) and South Tyneside Council (STC) are currently progressing the adoption of a joint Area Action Plan

(AAP), to release 100ha of land from the Green Belt for allocation within their local plan(s) period up to 2033 for use of the land for “strategic and comprehensive development of advanced manufacturing employment uses”.

- 2.11 The AAP is also proposing the designation of an additional 50ha of safeguarded land for future demands for advanced manufacturing employment and related development beyond the plan period of 2033 (not forming part of this proposed development). This is discussed further in the following sections of this Scoping Opinion.

Description of the site and surrounding area

- 2.12 Chapter 3 of the Applicant’s Scoping Report describes the proposed development site and the context of the surrounding area.

The Application Site

- 2.13 The site itself is located on predominately arable fields immediately to the north of the NMUK plant and to the west of the A19. Newcastle upon Tyne and Sunderland city centres are approximately 8.9km north west and 6km south east of the proposed development site respectively.
- 2.14 Section 9.2.5 of the Scoping Report states that the site is currently largely under agricultural use and Defra’s Agricultural Land Classification (ALC) data indicates that the majority of soils for the site are classified as Grade 3a/b ‘Good and Moderate Quality’ land. There is a small area of Grade 2 ‘Very Good Quality’ land located along the banks of the River Don.
- 2.15 The River Don (a tributary of the River Tyne) flows west to east through the centre of the proposed development site and there are small areas of plantation and semi-natural woodland scattered across the site.
- 2.16 The River Don East House and Elliscope Farm East / Hylton Bridge non-statutorily ecologically designated Local Wildlife Sites (LWS) are both located within the proposed development site boundary and are designated for their being unmodified riverbank with occupied breeding habitat for water vole and use by otter. In addition, there are two Proposed Local Wildlife Sites (PLWS) within the site boundary as described at Table 7.4 of the Scoping Report.
- 2.17 There is also one Grade II listed building within the proposed development site boundary (Hylton Grove Bridge, which crosses the River Don broadly in the centre of the proposed development site). The Great North Forest Heritage Trail runs along the minor roads of Follingsby Lane and Downhill Lane through the proposed development site.

- 2.18 A number of scattered rural residential properties (farm properties) lie within the footprint of the proposed development site as shown in Appendix G of the Scoping Report (local receptor plan). Section 13.2 of the Scoping Report also identifies the Three Horseshoes public house / hotel, the North East Aircraft Museum and an electricity substation as other existing land uses within the proposed development site.
- 2.19 Appendix G also illustrates that there are a number of electric lines crossing the proposed development site including a number of 11kV (wooden pole), 66kV and 275kV (both steel lattice pylons).

The Surrounding Area

- 2.20 Section 3.3 of the Applicant's Scoping Report describes the context of the site's surrounding area including sensitive receptors and environmental designations. Sections 3.3.1 – 3.3.4 describe these features to the north, east, south and west of the proposed development site respectively.
- 2.21 The following paragraphs describe some of the key features identified (many of which can be identified on the local receptor and constraints plans at Appendices G and H of the Scoping Report respectively).
- 2.22 In broad terms, the site is bound as follows:
- to the north and west by arable farm land (with the A184 c. 700m to the north of the site and a disused railway to c. 1km to the west);
 - to the east by the A19;
 - Downhill Lane junction to the northeast; and
 - The residential areas of Town End Farm and Hylton Castle to the southeast; and
 - to the south by Washington Road and the NMUK plant and three sites comprising Sunderland's Enterprise Zone.
- 2.23 The disused railway to the west of the proposed development site (the Leamside line) is planned to be reinstated and reopened as a rail or Metro line and is a key element of the connectivity strategy in the Sunderland and Gateshead Local Plans. No timetable is presented in relation to this proposal.
- 2.24 The Secretary of State is also aware, as described at paragraph 3.4.1 and 5.6.2 of the Scoping Report, of the proposed major capacity improvement works to the A19 Testos and Downhill Lane junctions located to the east and north east of the proposed development site, which are likely to be NSIP(s) and subject to DCO application(s).

2.25 There are a number of internationally and nationally designated sites for ecology within 10km of the site as well as non-statutory designations. Further detail is provided in Tables 7.1 – 7.4 of the Scoping Report and these designated sites are discussed in the Biodiversity & Ecology topic section of this Scoping Opinion. Of particular note are:

- Four statutorily nationally designated sites within 2km of the proposed development site (Table 7.2 of the Scoping Report), comprising two Site of Special Scientific Interest (SSSI) and two Local Nature Reserves (LNR);
- A further four SSSI's between 2-5km from the proposed development site as described in sections 3.3.1 – 3.3.4 of the Scoping Report; and
- The two LWS and two PLWS within the site boundary (as discussed at paragraph 2.15 above).

2.26 There are few listed buildings within 1km of the boundary of the proposed development site although one Grade II* listed building, at Scots House is located to the north of the proposed development area on the A184.

Alternatives

2.27 Section 2.6 of the Scoping Report describes the three broad options that were considered within the 'broad area of land' north of the NMUK plant following consideration of alternative locations as part of the IAMP AAP preparation process. The three options considered broadly vary in relation to the location within the plot of land, the interface with the River Don corridor and the principal access arrangements.

Proposed access

2.28 The Applicant's indicative masterplan (Appendix D of the Scoping Report) illustrates the proposed highway routes and access arrangements that are anticipated for the proposed development site including:

- 'Primary' highways;
 - Direct access into and out of the site into the A19 (south of the existing Downhill Lane junction on the A19);
 - a new road bridge over the A19 to connect Washington Road (east of the A19) to the A1290 running through the site; and
 - a new road bridge across the River Don to connect the northern and southern sections of the proposed development.
- A 'Central Boulevard' running along the existing A1290 between the Downhill Lane junction and Cherry Blossom way to the

southwest of the site. Section 5.6.2 of the Scoping Report explains that this will be upgraded to a dual carriageway; and

- 'Secondary' and 'tertiary' access to link areas of the proposed development to the primary routes.

2.29 Section 2.8.6 of the Scoping Report describes that the options currently being considered for the improvements to the A19/A184 Testos Junction and Downhill Junctions (as described at Section 3.4.1 of the Scoping Report) will have an important bearing on the access arrangements for the proposed development (as discussed at paragraph 2.24 of this Scoping Opinion).

2.30 Paragraph 2.7 of this Scoping Opinion also explains the proposed highway, footpath and cycleway works anticipated.

Construction

2.31 The details of the construction phase (as far as they are currently defined by the Applicant) are explained in section 2.4.1 of the Scoping Report and are discussed at paragraph 2.9 of this Scoping Opinion.

2.32 No further information is provided as to the duration of key phases (e.g. site clearance/preparation) other than the rates of proposed floor space and operational employment provision for each of the three phases of the proposed development as presented in Appendix C of the Scoping Report.

Operation and maintenance

2.33 Section 2.4.2 of the Scoping Report states that the anticipated operational lifespan of the Proposed Development would be not less than 50 years.

2.34 Appendix C of the Scoping Report describes the number of jobs to be created through each of the phases of the proposed development up to 5,200 at the end of phase three.

2.35 There is no further detail provided regarding the operational patterns of the proposed development, although section 5.2 of the Scoping Report outlines the shift patterns of the NMUK operations comprising 24 hour operation from Monday – Friday.

2.36 Reference is made to the provision of an energy centre at sections 2.3 and 6.5.2.2 of the Scoping Report in particular, although limited information is available at this stage with regard to operational specifications of the plant.

Decommissioning

- 2.37 Given the scale of the scheme and the likely operational life of the development the Applicant states at section 4.2 of the Scoping Report that *"any determination of the effects of decommissioning and/or possible reinstatement will be outside the scope of this EIA"*.
- 2.38 There is no other reference to decommissioning or design for end of life within the Scoping Report.

The Secretary of State's Comments

Description of the application site and surrounding area

- 2.39 The Secretary of State notes that the AAP process is entirely separate to that of the DCO application for the proposed development and that both SCC and STC are undertaking formal public consultation on the publication of the draft joint AAP at the time of preparing this Scoping Opinion. The Applicant's attention is drawn to Gateshead's comments regarding greenbelt boundaries.
- 2.40 The Secretary of State would expect the Applicant's DCO submission to set out the relationship between the AAP land extent, the DCO land extent and the 50 ha of 'safeguarded land' identified that may come forward in meeting the demands for advanced manufacturing and related development in the future. The ES should clearly distinguish between land identified for permanent mitigation and any land that might be developed in the future.
- 2.41 Footnote 3 of the Scoping Report refers to an AAP Green Belt and Site Selection Options Paper, it is unclear whether this is a publicly available document. All referenced material should be available to the public at the time of submission.
- 2.42 The Secretary of State welcomes the Applicant's intention to present a description of the site and surrounding areas as a standalone chapter in the ES (section 4.8.1 of the Scoping Report). This should identify the context of the proposed development, any relevant designated areas or sensitive receptors and should consider any land to be directly or indirectly affected by the proposed development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes including how this would be secured.
- 2.43 Where aspects of the site and surrounds chapter of the ES are to be supplemented by the further description of baseline conditions as part of the technical topic chapters, these should be appropriately cross referenced in order to avoid duplication.

- 2.44 There are a number of areas within the application site boundary which appear to be 'empty' i.e. without any development taking place according to the proposed masterplan (Appendix D of the Scoping Report). The Secretary of State notes that these areas primarily comprise the "ecological and landscape mitigation area" (as described at section 2.9.3), the ES should explain and illustrate the need for all land included within the application site boundary. It is assumed that the reason the areas are empty at present is because specific mitigation details remain to be agreed and refined with relevant stakeholders. If this land is relied upon as mitigation for the purposes of the assessment sufficient detail should be provided in order to demonstrate its efficacy.

Description of the proposed development

- 2.45 Section 2.3 of the Scoping Report describes the "potential provision of an energy centre" and section 6.5.2.2 states that detailed design information for the proposed energy centre will not be available at the point of submission of the EIA (accompanying the DCO application). The Secretary of State will expect to see sufficiently developed detail of any proposed energy centre such that a robust worst case environmental assessment can be undertaken as part of the EIA. This must include matters such as scale, location, emission stack heights, built footprint, feedstock(s) and grid connection method. The parameters used should be set out in a concise table(s) and be consistent between chapters, where appropriate. The Applicant's attention is drawn to SCC's comments regarding maximum building heights and the potential to situate tall buildings in low lying areas of land to reduce their impact. The Secretary of State recommends that a design code is developed that fixes the maximum parameters of the development and can be relied on for the purposes of the EIA. The parameters should also be reflected in the development permissible in the draft DCO.
- 2.46 The Applicant should clearly and consistently define in both the draft DCO and the ES, which elements of the proposed development are integral to the NSIP; any elements that could be deemed to be NSIP in their own right; those which are 'associated development' under the PA2008; and those which are ancillary matters. At section 2.3 of the Scoping Report, the Applicant describes the development as comprising "other associated ancillary uses" (including a public transport interchange, retail, leisure and a hotel) whereas section 2.8.3 describes the same development as being "associated development". Associated development is defined in the Planning Act as development which is associated with the principal development. Guidance on associated development can be found in the DCLG publication 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects'.

- 2.47 With regards to the new road bridge across the River Don and the A19 (see section 2.3 and 2.8.6 of the Scoping Report), the Secretary of State would expect sufficient detail on the proposed design so as to understand the potential environmental effects and allow for full consideration as part of the EIA. In particular, the description must be sufficient so as to understand the construction and operational impacts including but not limited to ecology, hydrology, visual effects and noise.
- 2.48 Section 2.3 of the Scoping Report describes a proposed public transport interchange, retail, leisure and a hotel (to be known as 'the Hub'). The Secretary of State notes that neither land use classifications are provided for these features, nor do the land uses appear in Appendix C of the Scoping Report, which indicates proposed floor space and employment per phase (although an indicative quantum of 22,500m² is stated). Section 2.8.1 of the Scoping Report suggests that certain types of development will be restricted (general employment, residential, and large scale retail or standalone leisure uses) and discusses a 1,500m² limit. It is unclear whether the limit applies to all of the uses identified. The Applicant should clarify the limits and how such a restriction would be secured through the DCO or other consenting regime, where applicable.
- 2.49 All aspects of the proposed development (including associated and ancillary development) must be fully described and quantified as part of the project description in the ES such that the environmental effects of the scheme as a whole can be fully assessed within the topic chapters.
- 2.50 Reference is made to the North East Aircraft Museum. The Applicant should set out their intentions in relation to the museum; its collection of military artefacts and the former RAF Usworth buildings.
- 2.51 The Applicant's description of the proposed development should include:
- Land use requirements during construction, operation and decommissioning to consider the areas of the principal development, associated development, ancillary development and ecology and landscape mitigation area;
 - Site preparation activities;
 - Construction processes and methods;
 - Transport routes;
 - Operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings and their likely method of disposal;
 - Maintenance activities; and

- Emissions- water, air and soil pollution, noise, vibration, light, heat, radiation.
- 2.52 Appendix D of the Scoping Report identifies on the masterplan what appear to be ponds or otherwise small bodies of water. There is limited detail at this stage regarding the design of these features. The Secretary of State would expect the description of the proposed development to be sufficiently detailed so as to describe the volume of attenuation required and the associated land take for natural and or engineered drainage attenuation features. This aspect is discussed further in Section 3 of this Scoping Opinion.
- 2.53 At section 3.2 of the Scoping Report, the Applicant states that “minimal diversion of power lines” will be required in light of the current masterplan presented as Appendix D of the Scoping Report. The Secretary of State will expect to see details of any such diversions (acknowledging the presence of many such lines across the site as presented in Appendix G of the Scoping Report) and an assessment of the environmental effects of such enabling works for the proposed development.
- 2.54 The Secretary of State would also expect consideration to be given to the likely connection of the proposed development to other necessary utilities including drainage, sewerage and gas. The Applicant’s attention is drawn to Northern Gas Networks comments on constraints relating to intermediate gas pipelines within the site and to National Grid’s commentary regarding electrical infrastructure on and close to the site.
- 2.55 The Applicant’s attention is also drawn to Tyne and Wear Fire and Rescue services comments relating to the provision of water supplies and sprinklers to reduce the potential risk of impact arising from fires in operation.

Flexibility

- 2.56 The Secretary of State notes the Applicants intended adherence to the Rochdale Envelope principles (and Advice Note nine) at section 4.6 of the Scoping Report, and that the proposed approach is to be fully explained as part of the ES.
- 2.57 It is understood that:
- At this stage in the evolution of the scheme the description of the proposals and the location and quantum of the site may be subject to change.
 - The EIA will be undertaken in accordance with the Rochdale Envelope principles (on the basis of a ‘worst case scenario’).

- 2.58 Nonetheless, the Secretary of State reminds the Applicant that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.59 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. At the time of application, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes. The scheme parameters will need to be clearly and consistently defined in the draft DCO and therefore in the accompanying ES.
- 2.60 The Applicant should also have regard to the fact that the definition of a "worst case" scenario in terms of assessment parameters may vary between topic chapters. For example, the upper limit of any proposed energy centre emission stack may represent the worst case visual impact but the lower limit may represent the worst case in terms of sensitive receptors to air quality. As such the Secretary of State encourages the Applicant to define the interpretation of the 'worst case' effects on a topic by topic basis within each chapter with appropriate cross reference to the design parameters to be presented in the project description chapter of the ES.
- 2.61 It should be noted that if the proposed development changes substantially during the EIA process, prior to the submission of any application, the Applicant may wish to consider the need to request a new scoping opinion.

Proposed access

- 2.62 Paragraph 2.9.4 of the Scoping Report makes reference to the location of the IAMP benefiting from the close proximity to NMUK and excellent transport links (including road, rail and port infrastructure). The ES should provide sufficient detail in respect of the construction and operation of the proposed development and how it will integrate and impact on the aforementioned transport links during each phase of the development. In particular, the Applicant should justify any assumptions made in terms methods of import / export of goods during construction and operation and maintain a worst case approach to the assessment of likely environmental effects.
- 2.63 The Secretary of State would expect the proposed access to the IAMP to be described and assessed in the context of each of the various modes of transport to the site as described at paragraph 5.6.1 of the Scoping Report.
- 2.64 The Secretary of State notes the comments at section 3.4.1 of the Scoping Report regarding the proposed improvements to the nearby

A19 Testos and Downhill Lane junctions. The Secretary of State will expect to see a full description of these proposals (to the extent that they are developed) and the interface between these junctions and the proposed development in order to understand the existing and future traffic and access conditions in this area during construction and operation. The inclusion of these junctions within the list of projects for the cumulative effects assessment in Appendix E1.1 is welcomed.

- 2.65 The Secretary of State notes that the wording of Section 7.4.3.1 of the Scoping Report implies that bridge over the River Don may not be constructed, but no other indication is provided as to how access would therefore be gained to the area of the site to the north of the river. The Applicant's assessment should be based on the scope of development sought under the DCO.
- 2.66 The Secretary of State welcomes the Applicant's current intention that the proposed development will be supported by a Travel Plan (section 5.6.4 of the Scoping Report) and a Construction Traffic Management Plan (paragraph 5.6.5) as mitigation to address the potential impacts of the proposed development. The Secretary of State will expect to see a sufficient level of detail as part of such plans in order to have confidence that they are capable of delivering the necessary mitigation measures and that they can be appropriately secured as part of the DCO.

Alternatives

- 2.67 The Secretary of State welcomes the discussion of alternatives considered for the IAMP during the EIA process to date, as described at sections 2.6 and 2.7 of the Scoping Report. Further detail on these alternative sites and development layouts will be expected as part of the ES and the Secretary of State considers that this could be achieved through the preparation of a discrete section in the ES (including the reasoning for selection of the preferred option). The Applicant is referred to Appendix 1 of this Scoping Opinion for further advice on this point.
- 2.68 It is acknowledged that there is a degree of overlap between the need to consider alternative options as part of the EIA process and that of the site selection process to inform a preferred option for the IAMP AAP. The Secretary of State will expect a clear distinction on this point in the description of alternatives considered when presented in the ES. The ES should outline how likely environmental effects have influenced their decision making process.

Construction

- 2.69 The Secretary of State notes that no information has been provided in the Scoping Request regarding the size and location of construction

compounds. Whilst it is appreciated that this information may not be available at this stage in the evolution of the project, Applicants are reminded that this information will be required and should be included in the DCO boundary and assessed as part of the EIA.

- 2.70 The Scoping Report does not identify the likely number of construction workers during peak construction for the proposed development and the Secretary of State would expect the ES to provide such figures.
- 2.71 Where aspects of the construction phase activities and works are to be described as "temporary", the ES should clearly describe the elements of the project including the timescales and methodology for their removal. Section 12.5.2 of the Scoping Report defines the duration of construction effects as short term (<6 months), medium term (6 months to two years) and long term (>2 years). Operational effects are assumed to be 'permanent in most cases'. The Secretary of State recommends that definitions of impact duration are provided for all topics, applying a single overarching definition where possible.
- 2.72 The Secretary of State considers that information on the construction phase should be clearly indicated in the ES including:
- Phasing programme with clear indication of the timescales for the entire construction period, also describing site preparation, enabling works and associated development;
 - Construction methods and activities associated with each phase;
 - Lighting equipment/requirements; and
 - Vehicle types, numbers, movements and parking of construction vehicles and equipment (covering staff vehicles, heavy duty vehicles HDVs and any abnormal loads).
- 2.73 The Secretary of State notes the Scoping Report makes reference to the following construction management controls; a Construction Management Framework Plan (CMFP) (section 4.10); a Construction Traffic Management Plan (CTMP)(section 5.6.5); a Construction Environmental Management Plan (CEMP)(section 9.4). The Secretary of State recommends that draft versions of these documents form part of the DCO application and are clearly linked to the topic based assessment, which determine their need. A figure that demonstrates the hierarchy of these plans would assist understanding of how the various documents deliver environmental mitigation.
- 2.74 In particular, the Secretary of State would expect to see reference to defined construction working hours against which the impact assessment is based and that this can be adequately secured as part of the DCO.

Operation and maintenance

- 2.75 Information on the operation and maintenance of the proposed development should be included in the ES and should cover but not be limited to such matters as:
- the number of full/part-time jobs;
 - the operational hours and if appropriate, shift patterns;
 - the number and types of vehicle movements generated during the operational stage; and
 - operational speed limits for new highways.
- 2.76 Section 5.2 of the Scoping Report outlines the shift patterns of the NMUK operations (comprising 24 hour operation from Monday to Friday). The operational patterns of the proposed development and their relationship with the existing patterns at NMUK will need to be explained and factored into the EIA.
- 2.77 The management and status of the 'ecological and landscape mitigation area' (section 2.9.3 of the Scoping Report) during operation should be discussed, including the extent to which it may attract visitors and the nature, extent and frequency of any management measures that are necessary.

Decommissioning

- 2.78 The Applicant provides limited detail in justifying their position that the effects of decommissioning will be "outside of the scope of this EIA" (section 4.2 of the Scoping Report).
- 2.79 Whilst the Secretary of State acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome, the need to decommission the development during its operational lifetime (in excess of 50 years) cannot be ruled out.
- 2.80 Consequently, the Secretary of State is of the view that effects of decommissioning falls within the scope of the EIA and therefore that it should cover the life span of the proposed development with the ES and reporting the likely process and methods of decommissioning as necessary.
- 2.81 The purpose of such a long term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption.

3 EIA APPROACH AND TOPIC AREAS

Introduction

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

EU Directive 2014/52/EU

- 3.2 The Secretary of State draws the Applicant's attention to European Union (EU) Directive 2014/52/EU (amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment) which was made in April 2014.
- 3.3 Under the terms of the 2014/52/EU Directive, Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with directive by 16 May 2017.
- 3.4 Whilst transitional provisions will apply to such new regulations, the Applicant is advised to consider the effect of the implementation of the revised Directive in terms of the production and content of the ES.
- 3.5 On 23 June 2016, the UK held a referendum and voted to leave the EU. There is no immediate change to infrastructure legislation or policy. Relevant EU directives have been transposed in to UK law and those are unchanged until amended by Parliament.

National Policy Statements (NPS)

- 3.6 Sector specific NPS are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority will make their recommendations to the Secretary of State and include the Government's objectives for the development of NSIPs.
- 3.7 At present there is no designated NPS relevant to the business and commercial sector. The Secretary of State notes that the proposed development is an NSIP by virtue of Direction (as outlined in paragraph 1.2 of this Scoping Opinion). Consequently, there is no NPS that has effect in relation to the decision. Therefore, in accordance with section 105 of the PA2008 the Secretary of State in deciding the application must have regard to:

“(a) any local impact report (within the meaning given by section 60(3)) submitted to the [Secretary of State] before the deadline specified in a notice under section 60(2),

(b) any matters prescribed in relation to development of the description to which the application relates, and

(c) any other matters which the Secretary of State thinks are both important and relevant.”

- 3.8 The list of matters could include extant and emerging policies at both the national and local level. The Secretary of State notes that various policy documents have been identified by the local authorities in respect of the proposed development. In light of the project's impact on the local transport network and strategic highway network, the Applicant should have regard to relevant provisions within the National Networks NPS.

Environmental Statement Approach

- 3.9 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the Secretary of State notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the Secretary of State or the consultees.
- 3.10 The ES should not be a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.
- 3.11 The Secretary of State would suggest that the Applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The Secretary of State notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors. The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

- 3.12 The Secretary of State recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:
- (a) to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts;
 - (b) to demonstrate how the assessment has taken account of this Opinion and other responses to consultation;
 - (c) to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the Applicant to cross refer mitigation to specific provisions proposed to be included within the draft DCO; and
 - (d) to cross reference where details in any Habitats Regulations Assessment (HRA) (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.
- 3.13 It is noted that Sections 11.3, 13.3 and 15.3 of the Scoping Report refer to consultation with officers at SCC and SCC. It is assumed that this is a typographic error and should refer to SCC and STC.
- 3.14 It is noted that section 4.2 of the Scoping Report refers to the Town and Country Planning (EIA) Regulations 2011. For the avoidance of doubt, the correct reference should be to the Infrastructure Planning (EIA) Regulations 2009.

Environmental Statement Structure

- 3.15 Section 4.8 of the Scoping Report sets out the proposed structure of the ES and notes that it is anticipated that the ES will be produced in at least 2 volumes, with appendices volumes if required:
- Non-Technical Summary; and
 - Main Volume.
- 3.16 Where appendices are included, the Applicant should ensure clear crossing referencing between these and the main volume.
- 3.17 Section 4.8.1 of the Scoping Report sets out the proposed contents list of the ES on which the Applicant seeks the opinion of the Secretary of State.
- 3.18 Section 17 of the Scoping Report suggests that the ES will provide an assessment of effects for the following topics:

- Access and transport;
- Air quality;
- Biodiversity and ecology;
- Cultural heritage and archaeology;
- Geology, soils and contaminated land;
- Landscape and visual;
- Noise and vibration;
- Population and human health;
- Socio-economic;
- Waste; and
- Water resources and flood risk.

Matters to be Scoped in/out

- 3.19 The Applicant has identified in Section 16 of the Scoping Report the matters proposed to be 'scoped out'. These are listed as:
- Community amenities as a separate chapter (also in Table 12.2 of the Scoping Report);
 - Daylight, sunlight and overshadowing;
 - Environmental wind;
 - Utilities as a separate chapter; and
 - Agriculture as a separate chapter.
- 3.20 Matters are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Secretary of State.
- 3.21 Community amenities are highlighted under Section 16 of the Scoping Report as a topic to be scoped out. The description suggests that since amenities will be assessed in different topic chapters, a specific amenity assessment is not required. The Secretary of State is satisfied with this approach.
- 3.22 It is proposed to scope out daylight, sunlight and overshadowing effects based on the small number of nearby sensitive receptors and because the development is not of sufficient scale or massing to cause a significant effect. The Secretary of State is satisfied with this approach.
- 3.23 It is proposed to scope out environmental wind effects on the basis that the massing of development would not significantly affect the pavement level wind environment for pedestrians and that use of the site by pedestrians is limited. Whilst the Secretary of State agrees

that a specific assessment is not required, the Applicant must include consideration of likely microclimate effects caused by the presence of the development in their description of development. This should give particular consideration to areas where pedestrians are likely to congregate, such as the 'hub'.

- 3.24 It is proposed that a separate utilities assessment is not required because utilities construction effects can be assessed within relevant topic chapters. The Secretary of State is satisfied with this approach.
- 3.25 It is proposed that a separate agriculture assessment is not required because effects on agriculture can be assessed within relevant topic chapters. The Secretary of State agrees with this approach.
- 3.26 Whilst the Secretary of State has not agreed to scope out certain topics or matters within the Opinion on the basis of the information available at the time, this does not prevent the Applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach.
- 3.27 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

Topic Areas

Access and Transport (see Scoping Report Section 5)

- 3.28 The Secretary of State welcomes the development of the assessment of transport impacts and transport environmental effects in association with the local highways authority and Highways England. The Secretary of State would expect on-going discussions and agreement, where possible, with such bodies, e.g. through the project's transport steering group. The Applicant's attention is drawn to SCC's comments regarding the assessment methodology; relevant consultees to be engaged; and also the interface between the air quality and noise assessments.
- 3.29 It is understood that the environmental assessment of road traffic will be supported by a stand-alone transport assessment including traffic modelling. The assessment should state the actual threshold criteria used to assess each of the identified environmental traffic impacts and describe any instances where professional judgement has been applied in determining the significance of effect. The extent of traffic modelling should be agreed with SCC.
- 3.30 The Secretary of State considers that the transport assessment should assess the impacts on sensitive receptors associated with

increased traffic travelling eastwards from the site e.g. on Washington Road-North Hylton Road in the Town End Farm, Hylton Castle and Castletown areas; and for nearby residential properties in West Boldon. The access arrangements for residential properties adjacent to the development should be set out in the ES.

- 3.31 Impacts associated with the transport of waste stored temporarily on site should be assessed in terms of the form of transport and its possible routing, with appropriate cross referencing to the waste chapter.
- 3.32 The Secretary of State welcomes the proposed submission of a Construction Traffic Management Plan and Travel Plan. The plan development should include dialogue with NMUK regarding potential conflicts in shift patterns and delivery/export arrangements. Mitigation measures should be considered such as local sourcing of materials so as to minimise transport or use of sustainable transport modes.
- 3.33 The Secretary of State welcomes the proposed creation of good quality pedestrian, cycle and bridleway links through the site. The Secretary of State notes STC's comments regarding high levels of equestrian ownership within the area. The provision of such public rights of way should be developed in conjunction with the ecological masterplan to minimise disturbance effects on any protected species and habitats present within the site.

Air Quality (see Scoping Report Section 6)

- 3.34 The Secretary of State is satisfied that the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK) methodologies are appropriate for the assessment of construction dust and traffic; operational traffic; and operational activities. These assessments should be supported by dispersion modelling (ADMS Roads v4 or ADMS 5.1 as appropriate) where indicated by the criteria in the assessment methodologies.
- 3.35 The relevant receptors, baseline data and the need for additional local air quality monitoring should be agreed with the relevant environmental health officers at SCC and STC. The Secretary of State agrees with STC's comments regarding the use of 2015 diffusion tube monitoring results.
- 3.36 Section 6.5.1.1 of the Scoping Report suggests that dust effects on receptors within 20m of routes up to 500m from site access routes will be assessed. The Secretary of State considers that the assessment should be consistent with the IAQM Box 1 criteria, which cites 50m rather than 20m.

- 3.37 The Applicant should consider the potential effect of increased vehicle emissions for vehicles travelling eastwards from the site, e.g. along Washington Road-North Hylton Road and in West Boldon, as highlighted under the transport and access comments above.
- 3.38 Section 6.5.2.1 states that baseline traffic and an opening year scenario for vehicle traffic will be assessed. On the basis that full occupation may not occur for a period of time following opening, the Secretary of State considers that an additional worst case scenario should be assessed e.g. vehicle emissions and operational plant during full occupation both individually and cumulatively.
- 3.39 With regards to the proposed energy centre, the Applicant should also undertake an assessment in line with the Environment Agency '*Risk Assessment for your environmental permit*' process.
- 3.40 Please also note the Secretary of State's comments above regarding the lack of detail regarding the design of the energy centre limits the ability to comment on these proposals and restricts the extent of this scoping opinion. Any assumed parameters such as stack height and diameter should be consistent between topic chapters, where appropriate.

Biodiversity and Ecology (see Scoping Report Section 7)

- 3.41 The Secretary of State is broadly satisfied with the proposed methodological approach and welcomes the comprehensive survey effort proposed. It is recommended that all surveys are up to date and take account of other development proposed in the vicinity. The Applicant should also consider the potential effect of the development on Trout and Eel populations on the River Don, as highlighted by the Environment Agency.
- 3.42 The Secretary of State is pleased to see the Applicant's commitment to early engagement and encourages the ongoing dialogue with organisations such as Natural England, Environment Agency, Durham Wildlife Trust, North East Local Nature Partnership and the Royal Society for the Protection of Birds (RSPB) as highlighted by SCC.
- 3.43 The Secretary of State notes the proposed submission of a 'Statement to Inform' under the Conservation of Habitats and Species Regulations 2010 (as amended).
- 3.44 Section 7.2.2.8 suggests that trees forming part of hedgerows will be considered as part of the hedgerow. The Secretary of State highlights the emphasis in the National Planning Policy Framework (NPPF) towards the conservation of veteran trees (paragraph 118). In light of this and in absence of a specific NPS for this development the Secretary of State requests that the Applicant consider the Defra

hedgerow survey handbook and the optional assessment of veteran trees,

- 3.45 The Secretary of State agrees that a Water Framework Directive (WFD) assessment should be submitted as part of the application, with appropriate cross referencing to the ecological impact assessment. The Applicant has not stated what the scope or methodological approach of this assessment would be. The nature of the assessment should be agreed with the Environment Agency.
- 3.46 The assessment of effects should consider the potential shading effect of the new bridge on the River Don and adjacent habitats.
- 3.47 The Applicant should minimise impacts on biodiversity and fragmentation of habitats, setting out their proposed measures to protect existing species and habitats to be retained during construction as part of any draft CEMP and/or biodiversity management plan.
- 3.48 The Secretary of State welcomes the proposed ecological and landscape mitigation area, although it is noted that limited information is provided regarding the size and location of this area. The Applicant should provide a framework or management plan for the delivery and future management of any created or managed habitat with their application. The ecological mitigation proposals should be supported by summary calculations that set out in a transparent fashion, the areas/types of habitats lost against the proposed areas of habitat to be created (e.g. lengths of hedgerow), demonstrating any net gains in biodiversity where possible.
- 3.49 The assessment should take account of impacts arising from noise, vibration, air quality (including dust), drainage/flooding and lighting, and cross reference should be made to these specialist reports.

Cultural Heritage and Archaeology (see Scoping Report Section 8)

- 3.50 The Secretary of State is satisfied with the proposed methodological approach for the assessment of direct effects. However, the study area is considered to be limited given the scale of the proposals. The Secretary of State considers that a minimum 500m study area from the site boundaries should be adopted in order to identify any potentially associated features in the local area. The Applicant should have regard to STC's comments regarding the scope of archaeological baseline datasets.
- 3.51 Where the desk based assessment and field survey discussed in Section 8.5.1 of the Scoping Report identify potential features of interest, geophysical surveys should be undertaken through agreement with Tyne and Wear Archaeological Officer, supported by trial trenching where appropriate. The scope of such survey work

should be agreed with the Tyne and Wear Archaeology Officer and Historic England as appropriate. The Secretary of State notes STC's comments that it is standard practice *"for greenfield sites to be subject to geophysical survey and evaluation trenching prior to a planning decision being made"* and that they would *"expect to see this fieldwork carried out after the desk based assessment and before a planning application is submitted"*. The Secretary of State supports this request to the extent that trial trenching is necessary to forming an accurate assessment of the developments likely significant environmental effects.

- 3.52 In addition to the heritage features identified within the baseline description, the assessment should consider the potential effect of the proposals on the setting of Hylton Castle and Penshaw Monument, respectively. The Applicant's attention is drawn to Historic England's comments in this regard.
- 3.53 Cross reference should also be made to the Landscape and Visual section of the ES. The Applicant's attention is also drawn to STCs comments regarding the North East Aircraft Museum and the Secretary of State's comments in relation to that facility in section 2 of this Scoping Opinion.

Geology, Soils and Contaminated Land (see Scoping Report Section 9)

- 3.54 The Secretary of State is unclear what methodology is proposed for the assessment of contamination risk, since the methodology in Section 9.7 suggests that it will *'take into account principles adopted by the EA in Model Procedures for the Management of Land Contamination, Technical Report CLR11'* and the significance of impacts will *'take into account the principles of assessment identified in CIRIA Report C552'* but does not clearly state the final methodological approach. The ES should describe the actual method adopted, which the Secretary of State considers should be undertaken in accordance with CLR 11 and CIRIA Report C552. The detailed scope and content of the assessments should be agreed with relevant contaminated land officers at SCC and STC, in consultation with the Environment Agency.
- 3.55 Similarly, Section 9.5 of the Scoping Report suggests that construction *'should be undertaken in accordance with the DMRB Manual of Contract Documents for Highway Works'* but does not make a clear commitment to that suite of documents or explain why this is relevant to the assessment of geology, soils and contaminated land. This should be explained within the submitted ES.
- 3.56 No geology, soils and contaminated land study area is defined. The ES should justify the study area adopted. Given the interdependence of the drainage scheme with ground conditions, the Applicant should

demonstrate an integrated approach between Section 9 and Section 15 (Water Resources and Flood Risk).

- 3.57 The Secretary of State supports the proposed suite of ground investigations and requires that any further survey or detailed investigation requirements are agreed with the relevant local authority contaminated land officers. The Applicant's attention is drawn to the Coal Authority's comments regarding past coal mining activity in the south west corner of the site.
- 3.58 Section 9.8 of the Scoping report makes reference to piling methodology. Where possible low noise piling techniques should be adopted and appropriate cross referencing between this and the noise chapter should be provided.
- 3.59 Section 9.2.3 of the Scoping Report makes reference to the presence of coal seam workings. Section 9.8 '*approach to mitigation*' states that sterilisation effects on mineral coal resources are not anticipated to be significant. Whilst this may be correct, further explanation of this conclusion is required and an assessment of effects on material resources should be included as part of the ES, including any measures to mitigate the loss of such resources.
- 3.60 The Secretary of State welcomes the proposed submission of an assessment of agricultural land loss. The assessment should distinguish between Grade 3a and 3b land areas to ensure that a clear picture of Best and Most Versatile (BMV) land take is provided and to demonstrate that development of BMV land has been avoided where possible.
- 3.61 Section 9.4 of the Scoping Report makes reference to the Pollution Prevention Guidelines (PPG). Whilst the content of these documents remains relevant, the PPGs were withdrawn in December 2017.
- 3.62 Section 9.8 of the Scoping Report outlines how invasive plant species contamination would be managed if identified on site. Section 7.2.3.1 states that three invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are present on site. The Applicant should ensure that the ES submission provides clear cross referencing between topic chapters.

Landscape and Visual (see Scoping Report Section 10)

- 3.63 The Secretary of State notes that the methodological approach to be adopted for the Landscape and Visual Impact Assessment (LVIA) will be 'informed by the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3)'. The Applicant should state explicitly what methodological approach has been used to assess landscape and visual impacts and any variation from the GLVIA3 standard.

- 3.64 The Secretary of State considers that the 2km study area should be considered as a minimum and reviewed once the proposed Zone of Theoretical Visibility (ZTV) has been defined. The final study area should be informed by the ZTV and agreed with relevant local authority landscape officers.
- 3.65 The ES should describe the model used to create the ZTV, provide information on the area covered and the timing of any survey work and the survey methodology used.
- 3.66 The Secretary of State agrees that the location of viewpoints should be agreed with the local authorities. The Secretary of State recommends that the list of viewpoints should include Penshaw Monument, as indicated by Historic England and the view westwards from Hylton Castle along Cranleigh Road. Specific photomontages should be provided from these locations.
- 3.67 The proposals will be for large structures. The Secretary of State requests that careful consideration should be given to the form, siting, and use of materials and colours in terms of minimising the adverse visual impact of these structures.
- 3.68 The Secretary of State requires that detailed consideration is given to the change in night time views due to lighting, including the Applicant's proposed measures to mitigate night time lighting effects in accordance with relevant Institute of Lighting Engineer guidelines.
- 3.69 The visual impact of the energy centre will need to be considered, with robust assumptions made in relation to tall vertical elements such as stacks. These assumptions must be consistent throughout the ES (see comments in section 2 of this Scoping Opinion and above).
- 3.70 The Secretary of State welcomes consideration of mitigation measures such as landscape buffers and green infrastructure measures (e.g. green and brown roofs/walls). The Applicant should ensure that appropriate cross referencing is made between the landscape and ecology chapters.

Noise and Vibration (see Scoping Report Section 11)

- 3.71 The Secretary of State agrees with the proposed approach to construction and operational noise and vibration assessment, which is based on industry standard methodologies. The assessment would be assisted by the provision of noise contour maps.
- 3.72 The Secretary of State is unclear why Section 11.6.1 of the Scoping Report states that significance criteria for construction noise '*will be developed using the ABC method*', since the ABC method already specifies threshold criteria for identifying significant noise effects. Any deviation from BS5228 should be explained in the Applicant's ES.

- 3.73 Information should be provided on the assumptions regarding types of vehicles, plant and equipment to be used during the construction phase.
- 3.74 Operational noise assessment should be based on robust worst case assessments for the range of potential development uses and build out scenarios. Any scenarios assessed should be clearly described and should include any potential overlap between construction and operational activities, where relevant. In line with BS4142, the assessment of significant noise effects should consider the magnitude of change in noise levels relative to background levels.
- 3.75 The noise and vibration assessments should in particular take account of the traffic movements along access routes, in for the elevated nature of traffic on elevated structures such as bridges and in areas noted within the Access and Traffic comments above. The impact of the project on the authorised private travellers' site to the north should be assessed.
- 3.76 Reference is made to the use of professional judgement in assessing whether effects that exceed noise thresholds are significant. The Applicant should clearly set out how professional judgement has been applied to the conclusion of an effect's significance.
- 3.77 The Secretary of State recommends that the choice of noise and vibration receptors is agreed with relevant environmental health officers at SCC and STC.
- 3.78 In line with the Noise Policy Statement for England, the Applicant should seek to minimise adverse impacts on health and quality of life through effective management and control of environmental noise. Mitigation measures for adverse noise effects should be clearly set out, such as piling techniques, building alignments, physical barriers, road surfacing treatments and building design measures.
- 3.79 The Applicant should indicate whether any properties would be eligible for statutory noise insulation.
- 3.80 The results from the noise and vibration assessments should also inform the ecological impact assessment.

Population and Human Health (see Scoping Report Section 12)

- 3.81 The Secretary of State notes the Applicant's intention to provide an assessment on population and human health, which pre-empts the requirements of the revised EIA directive, which is due to be transposed in May 2017. Under transitional arrangements, the ES submitted as part of the application for development consent would be examined against the requirements of the current EIA directive.

The proposed assessment of cumulative effects in a number of determinants on a given receptor is welcomed.

- 3.82 The Secretary of State considers that the Applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from Public Health England regarding methodological approaches and from the Health and Safety Executive. It is noted that the Health and Safety Executive does not identify any specific health related matters, except in relation to the requirement for appropriate consents if hazardous substances are to be stored on site (see Appendix 3). The detailed methodology for the population and human health assessment should be agreed with the relevant statutory consultees, where possible, and take into account mitigation measures for acute risks.
- 3.83 It is noted that the determinants considered as part of the assessment of baseline conditions are somewhat overlapping with the indicators used to describe the socio-economic baseline. The Secretary of State recommends that, where possible, duplication is avoided between the two topic chapters in order to avoid repetition of material for the reader.
- 3.84 The current definitions of intensity of change and size of population exposed to change are poorly defined (as simply high, medium or low) with limited explanation of those categories. The Applicant also proposes to apply professional judgement to any effect identified. The Secretary of State recommends that detailed significance criteria are provided in the ES and that any use of professional judgement is clearly explained.

Socio-economic (see Scoping Report Section 13)

- 3.85 The Secretary of State is satisfied with the proposed methodology to assess socio-economic effects as set out in Section 13.5 of the Scoping Report.
- 3.86 The Secretary of State recommends that the assessment of effects on farm holding viability discussed in Section 13.5.2 includes direct discussions with affected farm holdings.
- 3.87 Section 13.5.3 of the Scoping Report refers to mitigation based on best practice guidance. The specific guidance adopted should be referenced within the ES.
- 3.88 Section 13.5.4 of the Scoping Report states that the cumulative effects assessment will focus on employment impacts. The Secretary of State considers that the cumulative effects assessment should consider all of the effects individually assessed in the socio-economic chapter.

- 3.89 Please note the need to avoid overlap between Sections 12 and 13 as discussed above.

Waste (see Scoping Report Section 14)

- 3.90 The Secretary of State welcomes the inclusion of a waste chapter within the proposed ES structure. The environmental effects of all wastes to be processed and removed from the site (during construction and operation) should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. Waste types should be quantified and classified, where possible.
- 3.91 In light of the potential for contaminated land referenced in Section 9.2 of the Scoping Report, the waste section should also consider the potential approach to management of hazardous waste arisings.

Water Resources and Flood Risk (see Scoping Report Section 15)

- 3.92 Section 15.5 of the Scoping Report states that a formal Flood Risk Assessment (FRA), Drainage Strategy and Water Framework Assessment (WFA) will be undertaken to support the Water Resources and Flood Risk Assessment. The Secretary of State welcomes the provision of these documents and the ongoing consultation with the Environment Agency, local authorities and Northumbrian Water Ltd. The detailed methodological approach used to undertake these studies should be agreed with the identified consultees (including the need for water quality monitoring) and provided within the Applicant's submitted ES. The FRA should refer to Planning Practice Guidance on FRA (ID7) and should consider flood risk to downstream communities. The Applicant's attention is drawn to SCC and Gateshead Council's comments in this respect.
- 3.93 Section 15.5.1 sets out the significance criteria for the project. Whilst the Secretary of State welcomes the use of specific criteria to define flood risk impact significance, the criteria are considered to be unsatisfactory as they include circular and poorly defined terminology such as 'significant change' or 'moderate change' in drawing a conclusion as to whether an effect is significant or not (e.g. Table 15.1 of the Scoping Report).
- 3.94 Similarly water quality significance criteria for moderate and substantial impacts use the term 'change in both/either biological and chemical water quality', without qualifying what the degree of change in quality is. The Applicant should have regard to the Environment Agency's comments on significance criteria and the linkage between a change in a single element and 'deterioration'. The Applicant should ensure that the application does not cause deterioration. Where it can be demonstrated that the project could give rise to significant effects or deterioration, in the absence of mitigation, appropriate mitigation

could include river restoration. The Applicant's attention is drawn to the Environment Agency's comments in this regard.

- 3.95 The Secretary of State notes that both the Design Manual for Roads and Bridges and WebTAG provide transparent methodologies for the assessment of water resources effects and would recommend the adoption of such criteria/methods. Additional guidance is also provided in Planning Practice Guidance on water supply, wastewater and water quality (ID34).
- 3.96 In light of the predicted increases in traffic within the site and in order to provide an assessment of drainage run off impacts arising from the new road infrastructure the Secretary of State considers that a Highways Agency Water Risk Assessment Tool (HAWRAT) assessment (or equivalent) should be undertaken to provide a quantitative assessment of water quality effects. The need for water quality monitoring should be agreed with the Environment Agency.
- 3.97 Whilst Section 15.2.4 of the Scoping Report states that there are no groundwater units locally, Section 9.2.4 identifies that there are Secondary A aquifers in the alluvium and bedrock at the site. Effects on these features must be considered as part of the assessment of effects on groundwater resources. The Water Framework Assessment should consider both surface and groundwater bodies where relevant.
- 3.98 Section 15.7 of the Scoping Report states that *'the proposed development is at potential residual risk from the most severe river flooding'*. This appears to contradict the statements in Section 15.6.1 that imply that the *'layout is outside the project extents of flood zone 3 from the Don or its tributary even under the highest climate change increase'*. The Applicant should ensure that this position is clarified within the ES.
- 3.99 The Secretary of State welcomes the use of the CIRIA SuDS manual in the development of drainage mitigation measures, the Applicant should also refer to Planning Practice Guidance referenced above and to the DEFRA SuDS technical standards. The Applicant should ensure that adequate cross reference is made to potential attenuation benefits of potential green infrastructure measures such as green/brown roofs discussed in Section 10.6 of the Scoping Report and that opportunities for source control such as permeable paving, bio-retention areas, rain gardens and rainwater harvesting are considered.
- 3.100 The capacity and discharge rate of any attenuation basins and the drainage design flood should be agreed with the local authorities and Environment Agency, including the need for any water quality control of discharges.

Cumulative Effects (see Scoping Report Section 4.3 and sections 5.8, 7.6.3, 10.8, 11.9, 12.5.7, 13.5.4, 14.8 and 15.8)

- 3.101 Cumulative effects are proposed to be assessed on a topic by topic basis. The Secretary of State welcomes reference to the use of the PINS Advice Note 17 to inform the assessment but notes that approach set out is not consistent with the advice note.
- 3.102 For example, Section 4.3.1.1 proposes a 6km radius as the search area for projects to be assessed, based on the Applicant's professional judgement. Ideally the radius of search should be tailored to each topic based on its likely zone of influence (which could be much less than 6km).
- 3.103 It is also noted that the status of projects to be considered within an assessment discussed in Section 4.3.1.3 is more restrictive than suggested in the advice note.
- 3.104 The description of the cumulative effects assessment varies between sections of the Scoping Report and there is variable cross referencing to the cumulative effects methodology set out in Section 4.3 of the Scoping Report. The scope of projects identified for cumulative effects assessment in Section 7.5.1 of the Scoping Report duplicates the text provided in Section 4.3 of the Scoping Report. It is suggested that a single overarching methodology is provided within the ES for clarity.
- 3.105 In addition, Sections 6 (air quality), 8 (cultural heritage and archaeology) and 9 (geology, soils and contamination) make no reference to cumulative effects. Whilst operational traffic air quality assessments based on forecasted traffic flows are inherently cumulative assessments, emissions during construction and from operation of any industrial processes should also be considered. The Applicant should ensure that cumulative effects are addressed for all topics.
- 3.106 The shortlist of projects for cumulative effects assessment should be agreed with the relevant local authorities. In addition to projects identified for consideration in Appendix E of the Scoping Report, the Secretary of State recommends that the following schemes identified through consultation should be considered as part of the assessment: Follingsby Lane development brief; the Enterprise Zone (Hillthorn Farm); the New Wear Crossing; Wardley Coal Disposal Point; reinstatement of the Leamside line (if applicable); the Testos and Downhill Lane junctions; and relevant development plan allocations.
- 3.107 Section 4.3.1.4 relies on the use of professional judgement to include or exclude projects for further consideration. Where professional judgement is applied, including the final assessment of effects, this should be clearly stated and justified.

4 OTHER INFORMATION

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

Pre-application Prospectus

- 4.2 The Planning Inspectorate (PINS) offers a service for Applicants at the pre-application stage of the nationally significant infrastructure planning process. Details are set out in the prospectus 'Pre-application service for NSIPs'². The prospectus explains what the PINS can offer during the pre-application phase and what is expected in return. The PINS can provide advice about the merits of a scheme in respect of national policy; can review certain draft documents; as well as advice about procedural and other planning matters. Where necessary a facilitation role can be provided. The service is optional and free of charge.
- 4.3 The level of pre-application support provided by the PINS will be agreed between an Applicant and the Inspectorate at the beginning of the pre-application stage and will be kept under review.

Preliminary Environmental Information (PEI)

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

Habitats Regulations Assessment (HRA)

- 4.5 The Secretary of State notes that European sites³ could be potentially affected by the proposed development. The Habitats Regulations

² The prospectus is available from:
<http://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-Applicants/>

³ The term European Sites in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), possible SACs, potential SPAs, Ramsar sites, proposed Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the

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

- 4.6 The Applicant's attention is drawn to Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations) and the need to include with the DCO application a report identifying European sites to which the Habitats Regulations applies and Ramsar sites, which may be affected by the proposed development.
- 4.7 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the competent authority of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the competent authority.
- 4.8 The Applicant's attention is also drawn to UK Government policy⁴, which states that the following sites should be given the same protection as European sites: possible SACs (pSACs); potential SPAs (pSPAs); and (in England) proposed Ramsar sites and sites identified, or required, as compensatory measures for adverse effects on any of the above sites.
- 4.9 Further information on the HRA process is contained within PINS Advice Note ten available on the National Infrastructure Planning pages of the PINS website. It is recommended that Applicants follow the advice contained within this Advice Note.

Plan To Agree Habitats Information

- 4.10 A Plan may be prepared to agree upfront what information in respect of Habitats Regulations the Applicant needs to supply to the PINS as part of a DCO application. This is termed an Evidence Plan for proposals in England or in both England and Wales, but a similar approach can be adopted for proposals only in Wales. For ease these are all termed 'evidence plans' here.

above. For a full description of the designations to which the Habitats Regulations apply, and/or are applied as a matter of Government policy, see PINS Advice Note 10.

⁴ In England, the NPPF paragraph 118. In Wales, TAN5 paragraphs 5.2.2 and 5.2.3.

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

Sites of Special Scientific Interest (SSSIs)

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

European Protected Species (EPS)

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

- 4.22 In England the focus concerns the provision of up to date survey information which is then made available to Natural England (along with any resulting amendments to the draft licence application). Applicants with projects in England (including activities undertaken landward of the mean low water mark) can find further information in Advice Note 11, Annex C⁵.

Other Regulatory Regimes

- 4.23 The Secretary of State recommends that the Applicant should state clearly what regulatory areas are addressed in the ES and that the Applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.24 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the Secretary of State will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The Applicant is encouraged to make early contact with other regulators. Information from the Applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the Secretary of State.

Water Framework Directive

- 4.25 EU Directive 2000/60/EC (the Water Framework Directive) establishes a framework for the protection of inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. Under the terms of the Directive, Member States are required to establish river basin districts and corresponding river basin management plans outlining how the environmental objectives outlined in Article 4 of the Directive are to be met.
- 4.26 In determining an application for a DCO, the Secretary of State must be satisfied that the applicant has had regard to relevant river basin management plans and that the proposed development is compliant

⁵ Advice Note 11, Annex C – Natural England and the PINS available from:
http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

with the terms of the WFD and its daughter directives. In this respect, the Applicant's attention is drawn to Regulation 5(2)(l) of the APFP Regulations which requires an application for an NSIP to be accompanied by 'where applicable, a plan with accompanying information identifying-... (iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development.'

The Environmental Permitting Regulations and the Water Resources Act

Environmental Permitting Regulations 2010

- 4.27 The Environmental Permitting Regulations 2010 require operators of certain facilities, which could harm the environment or human health, to obtain permits from the Environment Agency. Environmental permits can combine several activities into one permit. There are standard permits supported by 'rules' for straightforward situations and bespoke permits for complex situations. For further information, please see the Government's advice on determining the need for an environmental permit⁶.
- 4.28 The Environment Agency's environmental permits cover:
- Industry regulation;
 - Waste management (waste treatment, recovery or disposal operations);
 - Discharges to surface water;
 - Groundwater activities; and
 - Radioactive substances activities.
- 4.29 Characteristics of environmental permits include:
- They are granted to operators (not to land);
 - They can be revoked or varied by the Environment Agency;
 - Operators are subject to tests of competence;
 - Operators may apply to transfer environmental permits to another operator (subject to a test of competence); and
 - Conditions may be attached.

The Water Resources Act 1991

⁶ Available from: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

- 4.30 Under the Water Resources Act 1991 (as amended), anyone who wishes to abstract more than 20m³/day of water from a surface source such as a river or stream or an underground source, such as an aquifer, will normally require an abstraction licence from the Environment Agency. For example, an abstraction licence may be required to abstract water for use in cooling at a power station. An impoundment licence is usually needed to impede the flow of water, such as in the creation of a reservoir or dam, or construction of a fish pass.
- 4.31 Abstraction licences and impoundment licences are commonly referred to as 'water resources licences'. They are required to ensure that there is no detrimental impact on existing abstractors or the environment. For further information, please see the Environment Agency's web based guidance on applying for a full, transfer or impounding licence⁷:
- 4.32 Characteristics of water resources licences include:
- They are granted to licence holders (not to land);
 - They can be revoked or varied;
 - They can be transferred to another licence holder; and
 - In the case of abstraction licences, they are time limited.

Role of the Applicant

- 4.33 It is the responsibility of Applicants to identify whether an environmental permit and / or water resources licence is required from the Environment Agency before an NSIP can be constructed or operated. Failure to obtain the appropriate consent(s) is an offence.
- 4.34 The Environment Agency allocates a limited amount of pre-application advice for environmental permits and water resources licences free of charge. Further advice can be provided, but this will be subject to cost recovery.
- 4.35 The Environment Agency encourages Applicants to engage with them early in relation to the requirements of the application process. Where a project is complex or novel, or requires a Habitats Regulations Assessment, Applicants are encouraged to "parallel track" their applications to the Environment Agency with their DCO applications to the PINS. Further information on the Environment Agency's role in the infrastructure planning process is available in

⁷ Available from: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

Annex D of the PINS Advice note 11 (working with public bodies in the infrastructure planning process)⁸

- 4.36 When considering the timetable to submit their applications, Applicants should bear in mind that the Environment Agency will not be in a position to provide a detailed view on the application until it issues its draft decision for public consultation (for sites of high public interest) or its final decision. Therefore the Applicant should ideally submit its application sufficiently early so that the Environment Agency is at this point in the determination by the time the DCO reaches examination.
- 4.37 It is also in the interests of an Applicant to ensure that any specific requirements arising from their permit or licence are capable of being carried out under the works permitted by the DCO. Otherwise there is a risk that requirements could conflict with the works which have been authorised by the DCO (e.g. a stack of greater height than that authorised by the DCO could be required) and render the DCO impossible to implement.

Transboundary Impacts

- 4.38 The Secretary of State has noted that the Applicant has not indicated whether the proposed development is likely to have significant impacts on another European Economic Area (EEA) State.
- 4.39 Regulation 24 of the EIA Regulations, which inter alia require the Secretary of State to publicise a DCO application if the Secretary of State 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. The Secretary of State considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.
- 4.40 The Secretary of State 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.

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

APPENDIX 1 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT

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

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

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

(EIA Regulations Regulation 2)

A1.3 The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

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

ES Indicative Contents

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

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

17. Description of the development, including in particular—

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

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

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

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

- (a) the existence of the development;*
- (b) the use of natural resources;*
- (c) the emission of pollutants, the creation of nuisances and the elimination of waste,*

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

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

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

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

(EIA Regulations Schedule 4 Part 1)

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

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

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

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

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

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

(EIA Regulations Schedule 4 Part 2)

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

Balance

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

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

Scheme Proposals

A1.9 The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The Secretary of State is not able to entertain material changes to a project once an application is submitted. The Secretary of State draws the attention of the Applicant to the DCLG and the PINS published advice on the preparation of a draft DCO and accompanying application documents.

Flexibility

A1.10 The Secretary of State acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

A1.11 It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

A1.12 The Rochdale Envelope principle (*see R v Rochdale MBC ex parte Tew (1999) and R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The Applicant's attention is drawn to the PINS Advice Note nine 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

A1.13 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the Applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

A1.14 The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

Scope

A1.15 The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

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

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

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

Breadth of the Topic Area

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

Temporal Scope

A1.19 The assessment should consider:

- Environmental impacts during construction works;
- Environmental impacts on completion/operation of the proposed development;
- Where appropriate, environmental impacts a suitable number of years after completion of the proposed development (for example, in order to allow for traffic growth or maturing of any landscape proposals); and
- Environmental impacts during decommissioning.

A1.20 In terms of decommissioning, the Secretary of State acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The Secretary of State encourages consideration of such matters in the ES.

A1.21 The Secretary of State recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

A1.22 The Secretary of State recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

Baseline

A1.23 The Secretary of State recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

A1.24 The Secretary of State recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

A1.25 For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed

with the relevant statutory bodies and appropriate consultees, wherever possible.

- A1.26 The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

- A1.27 In terms of the EIA methodology, the Secretary of State recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.
- A1.28 In terms of other regulatory regimes, the Secretary of State recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.
- A1.29 In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

- A1.30 The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).
- A1.31 As a matter of principle, the Secretary of State applies the precautionary approach to follow the Court's reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the proposed development will have an effect, and not that a development will definitely have an effect.
- A1.32 The Secretary of State considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The Secretary of State recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The Secretary of State considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

A1.33 The Secretary of State recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The Secretary of State recommends that a common format should be applied where possible.

Inter-relationships between environmental factors

A1.34 The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

A1.35 The Secretary of State considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

Cumulative Impacts

A1.36 The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities.

A1.37 Applicants should refer to PINS Advice Note 17 Cumulative Effects Assessment for further guidance on the Inspectorate's recommended approach to cumulative effects assessment. Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment will be crucial in this regard. For the purposes of identifying any cumulative effects with other developments in the area, Applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on transboundary effects below).

Related Development

A1.38 The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

A1.39 The Secretary of State recommends that the Applicant should distinguish between the proposed development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

A1.40 The ES must set out an outline of the main alternatives studied by the Applicant and provide an indication of the main reasons for the Applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

A1.41 Matters should be included, such as inter alia alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

A1.42 The Secretary of State advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

Mitigation Measures

A1.43 Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

A1.44 The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

A1.45 It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft DCO. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

A1.46 The Secretary of State advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

A1.47 The Secretary of State recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

A1.48 As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the Applicant in compiling the required information.

Consultation

A1.49 The Secretary of State recommends that ongoing consultation is maintained with relevant stakeholders and that any specific areas of agreement or disagreement regarding the content or approach to assessment should be documented. The Secretary of State recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

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

Transboundary Effects

A1.51 The Secretary of State recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the Secretary of State recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

A1.52 The Applicant's attention is also drawn to the PINS Advice Note twelve 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website⁹.

Summary Tables

A1.53 The Secretary of State recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:

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

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

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

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

Terminology and Glossary of Technical Terms

A1.54 The Secretary of State recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site. A glossary of technical terms should be included in the ES.

Presentation

A1.55 The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate. Appendices must be clearly referenced, again with all paragraphs numbered. All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

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

Confidential Information

A1.56 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 PINS would be required to disclose under the Environmental Information Regulations 2014.

Bibliography

A1.57 A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non-Technical Summary

A1.58 The EIA Regulations require a Non-Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.

APPENDIX 2 – LIST OF CONSULTATION BODIES FORMALLY CONSULTED

Note: the Prescribed Consultees have been consulted in accordance with the PINS Advice Note three 'EIA Consultation and Notification' (version 6, June 2015)¹⁰.

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 South Tyneside Clinical Commissioning Group
	NHS Sunderland Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	Tyne and Wear Fire and Rescue Service
The relevant police and crime commissioner	Northumbria Police and Crime Commissioner
The Environment Agency	The Environment Agency
The Civil Aviation Authority	Civil Aviation Authority
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	Nexus (Tyne and Wear Passenger Transport Executive)
	North East Combined Authority
The Relevant Highways Authority	South Tyneside Council - Highways Department
	Sunderland City Council - Highways Department
The relevant strategic highways	Highways England - Yorkshire

¹⁰ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

SCHEDULE 1 DESCRIPTION	ORGANISATION
company	and North East
The Coal Authority	The Coal Authority
Public Health England, an executive agency of the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Forestry Commission - Yorkshire and North East
The Secretary of State for Defence	Ministry of Defence

RELEVANT STATUTORY UNDERTAKERS	
The relevant Clinical Commissioning Group	NHS South Tyneside Clinical Commissioning Group
	NHS Sunderland 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
Railways	Highways England Historical Railways Estate
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Northumbrian Water
The relevant public gas transporter	Energetics Gas Limited
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd

RELEVANT STATUTORY UNDERTAKERS	
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Quadrant Pipelines Limited
	LNG Portable Pipeline Services Limited
	National Grid Gas Plc
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
	Northern Gas Networks Limited
The relevant electricity distributor with CPO Powers	Energetics Electricity Limited
	ESP Electricity Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Peel Electricity Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Northern Powergrid (Northeast) Limited
	National Grid Electricity Transmission Plc

SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))	
Local Authorities	South Tyneside Council
	Sunderland City Council
	North Tyneside Council

SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))	
	Newcastle City Council
	Gateshead Council
	Durham County Council

APPENDIX 3 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

List of bodies who replied by the Statutory Deadline:

Environment Agency
Gateshead Council
GTC
Health and Safety Executive (HSE)
Highways England
Historic England
National Air Traffic Service (NATS)
National Grid
Natural England
Northern Gas Networks
Public Health England
South Tyneside Council
Sunderland City Council
Sunderland City Council (Highways Department)
The Coal Authority
Tyne and Wear Fire and Rescue Service

Mr Richard Hunt
The Planning Inspectorate
Temple Quay House (2 The Square) Temple
Quay
Bristol
Avon
BS1 6PN

Our ref: NA/2016/113316/01-L01
Your ref: BC030001-000018
Date: 14 September 2016

Dear Mr Hunt

**SCOPING REPORT FOR INTERNATIONAL ADVANCED MANUFACTURING PLANT
(IAMP) INTERNATIONAL ADVANCED MANUFACTURING PARK (IAMP),
SUNDERLAND**

Thank you for your EIA Scoping consultation letter of 18 August 2016.

We have reviewed the scoping report submitted and have the following detailed comments in relation to the following environmental issues we consider to be of most importance for this proposal :-

- Water Resources and Flood risk
- Water Framework Assessment Compliance Assessment;
- River Restoration/Ecological Mitigation
- Groundwater and land contamination; and
- Regulatory Requirements.

Water Resources and Flood Risk

As set out in the National Planning Policy Framework, development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

We wish to promote the use of Sustainable Drainage systems (SuDS) and draw attention to Paragraph 103 of the National Planning Policy Framework. SuDS tackle surface water run-off problems at source using features such as soakaways, permeable pavements, grassed swales, infiltration trenches, ponds and wetlands, and, green roofs to attenuate flood peak flows, produce water quality improvements and environmental enhancements. We seek to promote the use of SuDS techniques for any permanent above-ground elements of the development, and expect the developer of the site to submit detailed investigations such that the use of SuDS has been fully explored.

Further to this the use of the "SUDs management train" approach is supported in the

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



Sunderland/South Tyneside Strategic Flood Risk Assessment (SFRA). We consider that any the surface water drainage assessment should use these principles and consider the ability to improve water quality and environmental enhancements. On this basis, we would like to see this referenced in section 15.6.1 paragraph 3 of the report.

With reference to The Northumbria River Basin Management Plan 15.1.1 in paragraph 9, this was updated and published in February 2016.

Within Section 15.3 of the scoping report would advise reviewing the Don Vision document, which both Sunderland and South Tyneside are partners and the River Don Restoration project which is a current aspiration to restore the River Don channel and reconnect the river to its wider catchment.

We support the inclusion of section 15.4.4 regarding Run-off water quality and would request that the SUDs management train has a water quality focus.

Methodology of Assessment 15.5

Within section 15.5 Methodology of Assessment we would advise that further to the current FRA objectives the following points are also included:

- To reduce flood risk to down stream communities. This is supported in paragraph 100 of the NPPF, using opportunities offered by new development to reduce the caused and impacts of flooding.
- Address cumulative impacts with other surrounding developments. We would advise this objective as there are other current significant developments nearby.

Further to the above we would recommend that a formal drainage strategy objective should include a water quality objective.

Significance Criteria 15.5.1

We consider that the proposed significance criteria to assess the likely water quality impacts of the development need to be developed further. We would recommend that the criteria used is linked to Water Framework Directive (WFD). Under WFD a change in 1 element (including biological / chemical water quality) would be significant in WFD terms and could be classed as deterioration. On this basis, the current significance criteria would not capture such a scenario as a substantial impact, rather it would be moderate / minor. On this basis, we consider that the criteria should be developed to ensure such impacts are accounted accordingly.

Approach to Mitigation 5.6

Within section 15.6.1 we would like to highlight that new climate change allowance figures were published in February 2016 which will impact sites within flood zones 2 and 3 - <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

We would like to a reference to the flood risk to downstream communities be included within paragraph 4 of section 15.6.



We support section 15.8 and request that the Follingsby and Testos developments are included and investigated.

Water Framework Assessment Compliance Assessment

We welcome the commitment to undertake a Water Framework Assessment Compliance Assessment and would recommend this is a separate section within the ES to aid in consideration of these issues.

The Don waterbody is classified as having poor overall and ecological status under the Water Framework Directive (WFD) and as heavily modified. As a result the waterbody cannot meet good ecological condition under WFD due to the amount of structural changes. There has been channelization and straightening within the urban areas and ditching in rural areas which has disconnected the river from the floodplain.

Water quality is poor due to levels of ammonia and phosphate. There are areas of agricultural and grazing land in the catchment, a large number of consented intermittent discharges, misconnections, and areas of contaminated land which could all be contributing to poor water environment, via diffuse and point sources.

The WFD seeks to improve the water quality in all our water bodies (including lakes, rivers and estuaries). In particular, it seeks to ensure that all water bodies achieve 'good status' or 'good ecological potential' by 2021 and 2027. The environmental objectives of the WFD are:

- to prevent deterioration of the status of surface waters and groundwater
- to achieve objectives and standards for protected areas
- to aim to achieve good status for all water bodies or, for heavily modified water bodies and artificial water bodies, good ecological potential and good surface water chemical status
- to reverse any significant and sustained upward trends in pollutant concentrations in groundwater
- the cessation of discharges, emissions and losses of priority hazardous substances into surface waters
- progressively reduce the pollution of groundwater and prevent or limit the entry of pollutants

We consider that the WFD assessment should consider the developments ability to meet River Restoration ambitions for the River Don (detailed below).

River Restoration

In partnership with South Tyneside Council, Sunderland City Council, Local Nature Partnership and other stakeholders we are working towards delivering a vision for the River Don. The vision is to create a healthy and biodiverse catchment that is valued and

Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.

Customer services line: 03708 506 506

Email: enquiries@environment-agency.gov.uk

www.environment-agency.gov.uk



enjoyed, contributing to the economic and social well-being of local communities. The catchment will provide a high quality environment that attracts new business and facilitates economic growth.

We have recently commissioned the River Restoration Centre to carry out a study which will provide river restoration recommendations for the Don, including the IAMP site. This study has commenced and initial outputs can be made available for consideration within the Environmental Statement.

Mitigation Boundary

With IAMP and the nearby Follingsby development there is an opportunity to enhance habitats and provide opportunities to improve water quality and reduce flood risk. The current mitigation zone within the IAMP site along the River Don extends to the edge of the western site boundary, we request that this is amended to extend further along the River Don and connect to the proposed Follingsby development upstream where there are plans for further ecological mitigation along the Don. In doing so this will maximise the environmental benefits for these developments and help realise the River Restoration ambitions.

Baseline 7.2

We have recently carried out fish survey work along the Don and have recorded Eels and Trout upstream of the development site, which are protected species. We request that this is considered within this section and we can make this data available.

Ground Water and Land Contamination

Section 16 of the scoping report provided proposes that sections on Water Resources and Flood Risk and Geology and Contaminated Land are included with any subsequent EIA produced for the proposed development. We acknowledge and agree with this proposal.

Section 15 of the submitted report (Geology and Land Contamination) summarises the current understanding of the site in regards to the geology present and potential for contamination to be present as a result of potentially polluting historic land uses. We recommend that further site investigation works are undertaken at the site to assess any impacts from land contamination that may be present. Risks to controlled waters, including surface and ground waters should be assessed with remedial/mitigation measures proposed/undertaken as required.

In addition, the applicant should ensure that sufficient mitigation measures (pollution prevention measures) are incorporated in the development scheme, as required, to ensure that there is no additional pollution risk posed by the proposed development.

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 require 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) Refer to our website at www.gov.uk/government/organisations/environment-agency for more information.

Regulatory Requirements

This development will require an Environmental Permit under the Environmental Permitting Regulations 2010 from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency to discuss the issues likely to be raised.

The reach of watercourse within the site boundary, River Don, is a designated 'main river' under the Environmental Permitting Regulations 2010. Unless an exemption applies, you will need an environmental permit for flood risk activities if you want to do work within 8 metres of this main river; in instances where work is proposed:

1. in, under, over or near a main river (including where the river is in a culvert)
2. on or near a flood defence on a main river
3. in the flood plain of a main river
4. on or near a sea defence

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

The Environment Agency Asset Information System (AIMS) designates a series of flood embankments assets (inc. asset IDs: 54083, 54085) surrounding the River Don. Any works in connection with these assets will require consultation with the Environment Agency, and potentially a Flood Risk Activity Permit (FRAP).

Please do not hesitate to contact me should you wish to discuss any of these issues further.

Kind Regards

James Hudson
Senior Planning Advisor
Direct dial 020 8474 6484
Direct e-mail james.hudson@environment-agency.gov.uk

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



Date: 14 September 2016
Our Ref: LA/16/004
Your Ref: BC030001-000018

To

Richard Hunt
Senior EIA And Land Rights Advisor
Major Applications And Plans
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Mr Hunt

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9.

Application by IAMP LLP for an Order Granting Development Consent for the International Advanced Manufacturing Park (IAMP) – EIA scoping consultation.

Thank you for consulting Gateshead Council on the above. Following consideration of the information submitted, I have the following comments to make on behalf of Gateshead Council:

Cumulative Impact – South of Follingsby Lane

The cumulative impact of South of Follingsby Lane and the IAMP may need to be considered. South of Follingsby Lane is an allocated employment site for B8 uses within Gateshead's adopted Core Strategy under Policy KEA2. South of Follingsby Lane is within close proximity to the IAMP (within 6km) and it is likely to have a combined effect on the River Don Wildlife Corridor (flood risk and water management, the landscape, ecology), transport and possibly utilities. Currently no planning application has been submitted for South of Follingsby Lane; however it is possible that a planning application could be submitted during the course of the determination of DCO and the two development sites may be delivered along similar timescales. There is no reference in the scope to South of Follingsby Lane in: section 3.3.4 'Land to the west', 4.3.2 'cumulative effects', appendix E, 15.8 in terms of cumulative impact on flood risk and surface water discharge into the River Don and enhancement of the River Don Wildlife Corridor. In addition, the Green Belt boundary constraints do not reflect the revised green belt boundary within Gateshead's adopted Core Strategy, following the allocation the South of Follingsby Lane employment site.

The officer dealing with this matter is **David Morton**.
Tel: **0191 433 3471** Email: **davidmorton@gateshead.gov.uk**
Gateshead Council, Civic Centre, Regent Street, Gateshead, NE8 1HH
DX 60308 GATESHEAD 1

Water Resources and Flood Risk

Water Framework Directive Assessment

Section 15 WFD assessment methodology should refer to the National Planning Practice Guidance ID34 (34-016-20140306) and consider physical modifications to the River Don such as flood storage areas, channel diversions, removing natural barriers, new culverts and bridges and indirect affect in water bodies. This should also be reflected in the significance and the approach to mitigation.

Flood Risk Assessment

The methodology should refer to the National Planning Practice Guidance (ID 7) and the Government's *'Flood risk assessments: climate change allowances'*.

The significance criteria could refer to betterment opportunities from the development to improve flood management downstream in the River Don catchment.

The flood risk and drainage mitigation approach should refer to enhancement of the River Don Wildlife Corridor to support catchment management and to improve ecological connectivity through the multifunctional benefits of SuDS, flood mitigation measures and river restoration.

Drainage Assessment

The methodology should refer to National PPG (ID7 and 34), DEFRA SuDS Technical Standards and the Government's *'Flood risk assessments: climate change allowances'*.

If you wish to discuss any of these matters in further detail, please do not hesitate to contact me.

Yours sincerely

A solid black rectangular box used to redact the signature of David Morton.

David Morton
Senior Planner
Development and Public Protection
Communities and Environment

From: Thomas.Anderson@gtc-uk.co.uk [mailto:Thomas.Anderson@gtc-uk.co.uk]
Sent: 23 August 2016 15:54
To: Environmental Services
Subject: BC030001-000018

Please note in respect of the above reference, we have no comment to make.

This regards the following companies

Utility Grid Installations
Independent Pipelines
GTC
Electric Network Company
Quadrant Pipelines
Independent Power Networks

Kind Regards

Tom Anderson
Engineering Support Officer

GTC
Engineering
Energy House
Woolpit Business Park
Woolpit
Bury St. Edmunds
Suffolk
IP30 9UP
Tel: 01359 243376 (ext. 3376)
Fax: 01359 244046
Email: tom.anderson@gtc-uk.co.uk
Web: www.gtc-uk.co.uk

From: Dave.Adams2@hse.gov.uk [mailto:Dave.Adams2@hse.gov.uk] **On Behalf Of**
NSIP.Applications@hse.gov.uk
Sent: 13 September 2016 12:57
To: Environmental Services
Subject: NSIP - Proposed International Advanced Manufacturing Park (IAMP) – EIA Scoping
Consultation (HSE Response)

Dear Richard Hunt,
Please find attached HSE's response to your letter dated 18th August 2016. HSE does not comment
on EIA Scoping Reports but the attached information is likely to be useful to the applicant.
Kind regards,
Dave Adams

Dave.MHPD.Adams

**CEMHD4 Policy, Chemicals, Explosives & Microbiological Hazards Division, Health and Safety
Executive.**

Desk 76, 2.2, Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS

0151 951 3408 dave.mhpd.adams@hse.gov.uk



[2]

**HSE is engaging with stakeholders to shape a new strategy for occupational safety and health in
Great Britain [Find out more](#)^[3] and join the conversation #HelpGBWorkWell**

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

Your ref: BC030001
Our ref: 4.2.1.5407

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

FAO Richard Hunt
The Planning Inspectorate
Temple Quay House
Temple Quay,
Bristol
BS1 6PN

Dear Mr Hunt

13th September 2016

**PROPOSED INTERNATIONAL ADVANCED MANUFACTURING PARK (IAMP) (the project)
PROPOSAL BY IAMP LLP (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as
amended) – Regulations 8 and 9**

Thank you for your letter of 18th August 2016 regarding the information to be provided in an environmental statement relating to the above project.

HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

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

Using the 'Site Location Plan' and 'Indicative Site Boundary' (Appendices A and B of the EIA Scoping Report), the Project does not currently fall within any of HSE's Consultation Distances for Major Hazard Sites or Major Hazard Pipelines.

This being the case, it is unlikely that HSE would advise against the proposal. However, HSE might need to review its position on the basis of a fresh assessment of the available data, when a formal application is referred to us.

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

Would Hazardous Substances Consent be needed?

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

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

The EIA scoping report does not make reference to the storage of hazardous substances. The developer is advised to consider whether storage of hazardous substances is required and, if so, whether Hazardous Substances Consent would be required.

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

Explosives sites

The proposed International Advanced Manufacturing Park does not impinge on the separation distances of any explosives licensed site in the vicinity of the application, Therefore HSE has no comment to make.

Electrical Safety

No comment.

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

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

Yours sincerely,


Dave Adams
CEMHD4 Policy

From: Radley, Ian [mailto:ian.Radley@highwaysengland.co.uk]
Sent: 02 September 2016 10:07
To: Environmental Services
Cc: Mclean, Russell; Brown, Simon
Subject: BC030001 - International Advanced Manufacturing Plant (IAMP) - EIA Scoping Notification and Consultation

FAO Richard Hunt

Richard

I refer to your consultation on the above dated 18 August 2016.

I confirm that officers from Sunderland City Council, South Tyneside Council and Highways England sit on a Steering Group for the transportation aspects of this project, and have done since its inception. This process will continue and it is confirmed that Highways England will engage directly with the Local Authorities during the preparation of supporting submission documents.

Consequently Highways England do not have any specific comment to make at this time.

Regards

Ian Radley, Asset Manager

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

Tel: +44 (0) 300 4702547 | **Mobile:** + 44 (0) 7881 840714

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

GTN: 0300 470 2547



Historic England

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

Our ref: PL00035729
Your ref:

Telephone 0191 269 1237
Mobile 07775 003532

Date 15 September 2016

Sent by email to: environmentalservices@pins.gsi.gov.uk

Dear Mr Hunt

Consultation on Scoping Opinion for the EIA for the International Advanced Manufacturing Plant on land near Sunderland

Thank you for consulting Historic England on the Scoping Opinion for the EIA for the International Advanced Manufacturing Plant on land near Sunderland. As the Government's statutory adviser on all matters relating to the historic environment in England, we are pleased to offer our comments. We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, conserved and enjoyed.

We have considered the information provided within the Scoping Report (referenced ARUP-REP-EIA-SCOP, August 2016), in particular in relation to Chapters 8 (Cultural Heritage and Archaeology) and 10 (Landscape and Visual).

The scope of the proposed Baseline, as outlined in 8.2, appears adequate (subject to the inclusion of Penshaw Monument as outlined below). However, we would welcome the opportunity for further consultation as the process develops, as suggested in 8.3.

We note that the approach to mitigation as set out in 8.6 refers to archaeological mitigation measures, but does not consider any mitigation for potential direct or indirect impacts upon other heritage assets. We would expect the EIA to consider mitigation for all heritage assets affected, not just archaeology.

For information, the Historic England sources referenced in Chapter 8 have been dated incorrectly. The correct references would be:

- Seeing the History in the View, 2011
- The Setting of Heritage Assets (Historic Environment Good Practice advice in Planning: 3), 2015
- Conservation Principles, Policies and Guidance, 2008

We welcome the reference in Chapter 10 to Penshaw Monument (the Grade 1 Listed Earl of Durham's Monument), and its identification as a visual receptor in terms of recreational users (page 92). While



Historic England, Bessie Surtees House, 41-44 Sandhill, Newcastle Upon Tyne NE1 3JF
Telephone 0191 269 1255 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



we appreciate that consultation has not yet been undertaken to agree the number and location of viewpoints for visual assessment (as noted in 10.3), we would expect that Penshaw Monument, as a prominent landmark within the area and popular visitor attraction, would be one of the viewpoints selected. However, we note in 10.5 that the LVIA will adopt a 2km study area for the collation of baseline information and the assessment of likely significant effects on landscape character and visual amenity. We estimate that Penshaw Monument is approximately 4.1km from the boundary of the IAMP site, but will almost certainly be within the Zone of Theoretical Visibility, and we would therefore wish to see this included within the study.

We note in paragraph 10.5 that the LVIA will not consider the impact of the proposed development on the setting of heritage receptors, but only the impact on visual receptors at those heritage locations. We acknowledge that impact on setting should take place as part of the cultural heritage assessment, as described in Chapter 8. We also note that there will be close liaison between the specialists preparing the two chapters. However, paragraph 8.4.2 refers to a 1km buffer for the assessment of potential impacts on cultural heritage assets. Penshaw Monument, as noted above, is approximately 4.1km from the site boundary and will therefore be excluded from the cultural heritage assessment.

It is important to recognise that the significance of a heritage asset may include a contribution made by its setting. Potential attributes of the setting can include views from, as well as towards the asset, along with associative attributes (for example, its historical significance as a viewpoint and visitor destination). We would therefore expect to see impacts upon the setting of Penshaw Monument to be considered as part of Chapter 8.

We hope that these comments are helpful, but please do not hesitate to contact us should you require any further information.

Yours sincerely



Barbara Hooper
Principal, Historic Places Team

Email: barbara.hooper@historicengland.org.uk



Historic England, Bessie Surtees House, 41-44 Sandhill, Newcastle Upon Tyne NE1 3JF
Telephone 0191 269 1255 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available.



From: ROSSI, Sacha [mailto:Sacha.Rossi@nats.co.uk]
Sent: 24 August 2016 17:00
To: Environmental Services
Cc: NATS Safeguarding
Subject: RE: BC030001 – International Advanced Manufacturing Plant (IAMP) – EIA Scoping Notification and Consultation

Dear Sir/Madam,

Application by IAMP LLP for an Order Granting Development Consent for the International Advanced Manufacturing Park (IAMP)

I refer to the Scoping Notification quoted above. The IAMP proposed site is over 50km from NATS's nearest infrastructure and as such NATS anticipates no impact upon its operations.

Accordingly, we have no comments to make on the application for IAMP itself. Should there be proposals for further extensions to the existing wind farm at the site, NATS would advise the applicant to engage at an early phase.

Regards
S. Rossi
NATS Safeguarding Office

Mr Sacha Rossi
NATS Safeguarding Office

☎: 01489 444 205
✉: sacha.rossi@nats.co.uk

4000 Parkway,
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

www.nationalgrid.com

Dear Sir/Madam,

National Grid is a trading name for:
National Grid Gas plc
Registered Office: 1-3 Strand, London WC2N 5EH
Registered in England and Wales. No 2006000

- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- Further guidance on development near electricity transmission overhead lines is available here: <http://www.nationalgrid.com/NR/rdonlyres/1E990EE5-D068-4DD6-8C9A-4D0B06A1BA79/31436/Developmentnearoverheadlines1.pdf>
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum "sag" and "swing" and overhead line profile (maximum "sag" and "swing") drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation ("pillar of support") drawings can be obtained using the contact details above
- National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

Gas Transmission

National Grid has no high pressure gas transmission pipelines located within or in close proximity to the proposed order limits.

Gas Distribution

National Grid has no gas distribution assets located within or in close proximity to the proposed order limits.

Further Advice

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

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

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

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

The Company Secretary
1-3 The Strand
London
WC2N 5EH

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

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

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

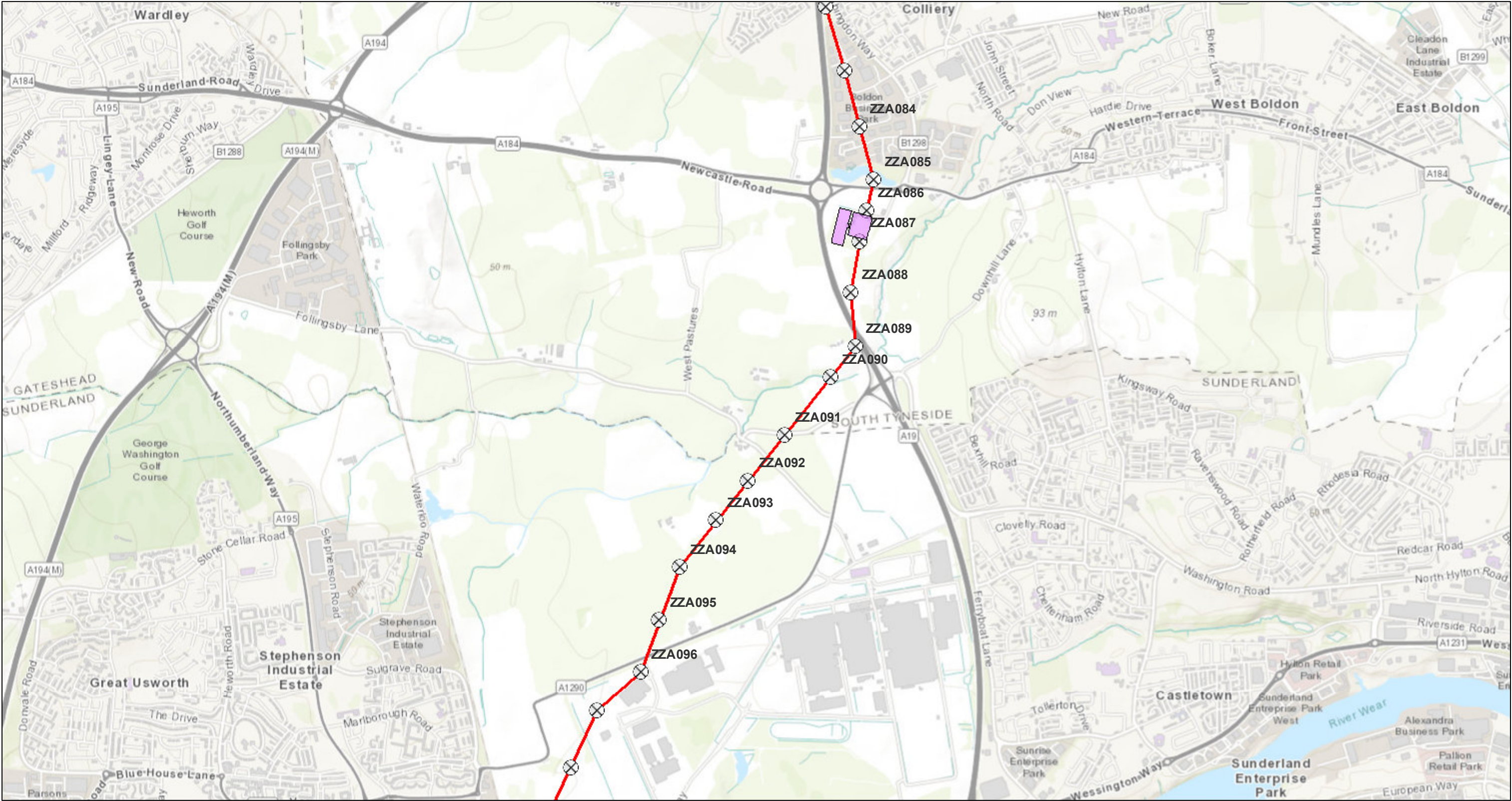
The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours Faithfully



Nick Dexter.

IAMP DCO EIA Scoping, NG Assets



September 7, 2016

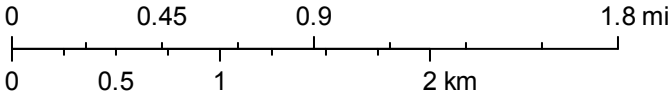
Substation_Site

Towers

LINE

275

1:36,112



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Date: 26 August 2016
Our ref: 193976
Your ref: BC030001-000018



Richard Hunt
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol BS1 6PN
environmentalservices@pins.gsi.gov.uk

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Richard Hunt,

Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): International Advanced Manufacturing Park (IAMP) BC030001-000018
Location: Sunderland, South Tyneside

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 18 August 2016 which we received on the same date.

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

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

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

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

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely,

Ellen Bekker
Northumbria Area

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

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

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

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

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

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

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

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

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

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

2.2 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely

impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

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

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

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

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

2.4 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

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

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

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

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

The record centre for the relevant Local Authorities should be able to provide the relevant

information on the location and type of priority habitat for the area under consideration.

2.5 Contacts for Local Records

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

The Local Environmental Record Information Centre is: Environmental Records Information Centre North East (ERICNE), available at: <http://www.ericnortheast.org.uk>.

3. Landscape Character

Landscape and visual impacts

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

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

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

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

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

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

Heritage Landscapes

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at www.hmrc.gov.uk/heritage/lbsearch.htm and

further information can be found on Natural England's landscape pages [here](#).

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Soil and Agricultural Land Quality

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

Soil and Agricultural Land Quality

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The applicant should consider the following issues as part of the Environmental Statement:

1. The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved.

This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful background information.

2. If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, eg one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, ie 1.2 metres.
3. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#).

6. Air Quality

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

decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

7. Climate Change Adaptation

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

8. Cumulative and in-combination effects

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

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

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

From: Dave Ring [mailto:dRing@northerngas.co.uk]

Sent: 25 August 2016 10:01

To: Environmental Services

Subject: North East International Advanced Manufacturing Park (IAMP) Northern Gas Networks Ltd
Comments Re Environmental Statement

FAO Mr Richard Hunt

We write further to your letter dated the 18th August 2016, your ref BC030001-000018

Having carried out searches on the report titled below on your web site I do not seem to be able to find any reference to the intermediate pressure gas pipelines that Northern Gas Networks (NGN) have across the proposed sites, this is despite having provided information over the past two years to several bodies with regard to this proposed development.

IAMP LLP

**International Advanced
Manufacturing Park**

Environmental Impact Assessment

Scoping Report

ARUP-REP-EIA-SCOP

Issue | 15 August 2016

We should firstly confirm that NGN own and operate that Gas Distribution Network In the North of England, NGN are a Licensed Gas Transporter as defined by the Gas Act. As per the above paragraph there does not seem to be any reference in the above report to the said pipelines as highlighted on the attached plan. Within the report I note that on drawing appendix G they have shown the local Electricity Distribution Network Operators Infrastructure.

As you will see we have on 450mm gas pipeline running north south through the area and two 450mm pipelines running in from the west to Hylton Grove Farm where we have a gas compound. (Above Ground Installation) These pipelines are held on permanent easements and NGN own the freehold of the gas compound. These pipelines must not be built over and therefore based on the information contained within the report it looks like diversions will be required, which in turn will need considering as part of the environmental Impact assessment. A diversion would require major pipeline works.

We should add that these pipelines are integral to the distribution network in the area.

Please do not hesitate to contact the writer of this email on the contact number below to discuss further or if you require further information.

Kind Regards

David Ring | Property Team Surveyor
Northern Gas Networks

Mobile: 07964 132802

Website: www.northerngasnetworks.co.uk

**Contact Address:- Northern Gas Networks (Property Team) 1100 Century Way, Thorpe Park, Leeds,
LS15 8TU**



Public Health
England

CRCE/NSIP Consultations T +44 (0) 1235 825278
Chilton F +44 (0) 1235 822614
Didcot
Oxfordshire OX11 0RQ www.gov.uk/phe

EIA & Land Rights Advisor
Major Applications and Plans
The Planning Inspectorate
Temple Quay House
2 The Sqaure
Bristol, BS1 6PN

Your Ref : BC030001-000018

Our Ref : 23947

FAO: Richard Hunt

06 September 2016

Dear Richard,

**Re: Scoping Consultation
Application by IAMP LLP for an Order Granting Development Consent for
the International Advanced Manufacturing Park (IAMP)**

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

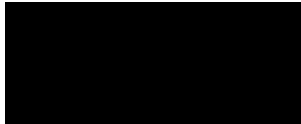
We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the ES. PHE however believes the summation of relevant issues into a specific section of the report provides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

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

decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

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

Yours sincerely,



Dr Stuart Aldridge
Environmental Public Health Scientist

nsipconsultations@phe.gov.uk

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

Appendix: PHE recommendations regarding the scoping document

General approach

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

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

We note that the information provided states that there will be three associated development projects, but that these will be the subject of separate planning consent applications. We recommend that the EIA includes consideration of the impacts of associated development and that cumulative impacts are fully accounted for.

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

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

Receptors

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

¹ Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

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

Impacts arising from construction and decommissioning

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

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

Emissions to air and water

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

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

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

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

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

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

Additional points specific to emissions to air

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

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)

- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

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

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

Land quality

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

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed³ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

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

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination

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

- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

Waste

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

For wastes arising from the installation the EIA should consider:

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

Other aspects

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

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

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

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

Liaison with other stakeholders, comments should be sought from:

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

Environmental Permitting

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

Annex 1

Human health risk assessment (chemical pollutants)

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

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

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



South Tyneside Council

Major Applications and Plans
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Mr. Richard Hunt
Senior EIA and Land Rights Advisor

Date: 15 September 2016
Our ref: ST/0870/16/ESO
Your ref: BC030001

This matter is being dealt with by:
Peter Cunningham on **0191 4247415**
e-mail address:
planningapplications@southtyneside.gov.uk

Dear Mr Hunt

Scoping Opinion of the Local Planning Authority

Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations) (as amended) Regulations 8 and 9

Subject: Request for an Environmental Impact Assessment Scoping Opinion in relation to the proposed development of an International Advanced Manufacturing Park
Location: Land to the north of the existing Nissan Site, to the west of the A19 and to the south of the A184 Sunderland

I refer to your email dated 18 August 2016 that consulted this Local Planning Authority under Regulation 9 of the EIA Regulations regarding the aforementioned subject. On 17 August 2016 you received the applicant's Scoping Report (the Report) in respect of the environmental statement for the proposed International Advanced Manufacturing Park (IAMP) and you have sought the views of this Local Planning Authority regarding this document so that the Secretary of State (SofS) may then provide the formal opinion on the scope of the environmental statement (i.e. a "scoping opinion").

As you are aware the IAMP is a joint venture between Sunderland and South Tyneside Councils. The IAMP development is expected to be located in the area north of Sunderland's Nissan car plant close to the A19(T) and it aims to expand upon the existing North East automotive manufacturing hub and will continue the strong local track record of a location for high quality, adaptable manufacturing. This project will enable the construction of infrastructure, bringing a predicted £295million in private sector investment and the creation of over 5,200 new jobs by 2026/27.

The SofS has confirmed that IAMP is a nationally significant project that requires Development Consent under the Planning Act 2008.

The proposed IAMP would be in the region of 100 hectares, providing over 5,200 jobs. However there is the possibility to allow scope for a potential longer term expansions up to 150 hectares if demand requires it. The development would provide modern business premises close to existing employers and would build on the region's advanced manufacturing heritage providing a range of building sizes to meet investor requirements.

Consultation carried out by the Local Planning Authority

On receipt of this Report this Local Planning Authority carried out its own internal consultation process with the following council services: Environmental Health (to include its role as the Local Lead Flood Authority), Countryside, Rights of Way, Waste Services, Traffic and Road Safety, Parking, Historic Environment and Local Plans. The following external agencies were also notified of the Report: the Tyne and Wear Archaeologist, Natural England, the Environment Agency, the Coal Authority, Historic England and Highways England).

Response by South Tyneside Planning Authority

The Report makes clear that the EIA will be undertaken to help inform the appointed persons on the Examining Authority and subsequent SofS's decision on the IAMP development. The primary purpose of this Report is to provide sufficient information to allow the SofS to provide an opinion on the scope of the EIA i.e. a scoping opinion.

This Planning Authority is satisfied that the Report has been prepared in accordance with Regulation 8 of the EIA Regulations and that the EIA will be prepared having had regard to best practice guidance from the Institute of Environmental Management and Assessment.

In particular Chapters 5-15 the Report describes the scope of the topics to be included in the EIA on a topic-by-topic basis. The Report adopts the following common structure for each topic which is considered best practice: the current environmental conditions, consultation to be undertaken, a description of potential environmental impacts, proposed methodology and scope of the assessment, proposed mitigation and assessment of residential effects, and the proposed approach to assessing cumulative effects.

Chapter 16 of the Report describes those environmental topics that are proposed to be scoped out of the EIA, including reasons for doing so and Chapter 17 provides a summary of the environmental parameters that are considered likely to be impacted by the proposed development.

Planning and Policy Context

The Report makes clear that although the existing development plan within South Tyneside is the Local Development Framework, Sunderland City Council and South Tyneside Council are currently progressing the adoption of an Area Action Plan for the IAMP (the IAMP AAP) in support of the development.

The IAMP AAP will form part of the statutory Local Plans for Sunderland City Council and South Tyneside Council and will have Development Plan status for the purposes of plan making decisions.

The draft AAP was made public in July 2016 and it is intended to be the key document through which the vision and objectives of the IAMP will be led and ultimately achieved. It is therefore intended that the EIA will be in conformity with the IAMP AAP.

Access and Transport

The proposed approach to assess the potential traffic impact on both the environment and road network as set out within the Report appears reasonable. But further discussions will be essential to ensure detailed information is provided to enable a robust evidence based recommendation.

The IAMP development will require the submission of a Transport Assessment (TA) to enable the impact upon transport and traffic within the affected area to be considered. This TA will need to be scoped with formal pre-application discussions recommended and it should include the following information:

- Traffic modelling (a micro-simulation model would be appropriate) supported by appropriate traffic survey and journey data...some key junctions on the strategic road network will need to be reviewed and evaluated in conjunction with Highways England.
- Trip distribution methodology – given that the proposal is a regionally significant employment site and likely to generate traffic movement over an area wider than Sunderland / South Tyneside a skills based assessment may be appropriate in this case to identify journey patterns.
- Agreement will be required on the methodology to be followed with details of scenario testing including approval of opening and future years, development traffic, committed development and allowance for traffic growth. It is noted that there is no proposed permeability either to the site from the Follingsby interchange on the A1 to the west, or north along west pastures onto the A184. This needs to be addressed as accidents on the currently proposed access from A19 may lead to significant disruption if occurring at peak times.
- The use of additional peak hour assessments to cover Nissan (NMUK) shift operations over and above normal weekday peak hours is considered appropriate. This is a reasonable approach given current traffic demands to ensure both existing traffic and development traffic can be accommodated along with provision of any highway improvements (details to be agreed).
- The proposed IAMP development will need to be supported initially by a Framework Travel Plan with an overview of alternatives travel modes identified to help mitigate traffic impact. Detailed sustainable transport mitigation measures are to be provided at a later stage and be contained with site or phase specific travel plans linked to development plots (subject to outline planning approval).

The potential environmental impact of the IAMP will need to consider receptors including nearby residential estates east of the A19 corridor in the Town End Farm, Hylton Castle and Castletown areas of Sunderland and nearby residential properties in West Boldon, South Tyneside. Local primary and secondary schools within these wards will also need to be considered. In particular the effects of the development upon air quality, carbon savings, potential noise impact and subsequent attenuation measures (fencing, acoustic barriers, road surfacing treatments).

Existing residential properties and/or agricultural holdings within the IAMP red line boundary area will need to have the traffic and environmental impact considered. Alternative access arrangements will need to be considered. Safe routes for non-motorised users will need to be provided with segregation from other road users where achievable. Analysis of personal injury accidents should cover a period of 5 years. The key issues identified for mitigation will need to be addressed through the following documentary evidence:

Connectivity for all Modes / Highway Capacity

- Agreement of Transport Assessment and recommendations for mitigation measures and highway improvements
- Submission and agreement of Framework Travel Plan
- Submission of detailed highway layouts including upgrades to link capacity, highway structures and junction improvements
- Provision of Stage 1 / 2 Road Safety Audit to consider highway safety implications

Bus Travel

- Provision of a Public Transport Strategy to consider potential transport interventions through the provision of new / enhanced bus services and potentially heavy / light-rail provision (Metro)

Other Sustainable Transport Measures

- Non-Motorised User Strategy detailing pedestrian, cycling and possibly equestrian routes and public rights of way implications. The area has a high equestrian ownership which should be considered. There are also a number of current cycling desire lines that demonstrate current shortfalls in provision
- The public rights of way are not shown on the map on page 171 of the Report.

Construction Traffic Management Plan

- Details of construction traffic and routing, abnormal load deliveries, construction management plan and scheme of working required.
- Dialogue with Nissan (NMUK) recommended to ensure site based activities do no conflict with shift patterns or just-in-time delivery / export arrangements for the automotive plant operations.

Cumulative Effects

- It is noted that some cumulative impacts and local receptors have been identified with the appendices.
- A detailed list of committed developments for Gateshead, South Tyneside and Sunderland will need to be agreed as part of the TA Scoping.
- Developments of note in Sunderland with traffic impacts and influences include the Enterprise Zone (Hillthorn Farm), developments within Nissan, the New Wear Crossing (open to traffic in Spring 2018).

Air Quality

The Report proposes a collaborative approach with Sunderland City Council regarding issues associated with air quality, construction dust assessment and operational traffic and we look forward to this information being received as part of the EIA. However South Tyneside Council's 2015 data (refer to Appendix 1 of this response) should be included in respect of the diffusion tubes monitoring results and then taken into consideration as part of the EIA.

Cultural Heritage and Archaeology

The proposal to produce a cultural heritage impact assessment, and to then include it as an environmental statement chapter, is welcomed. The Report mentions the grade II listed Hylton Bridge and some of the sites recorded in the Historic Environment Record. A historic environment desk based assessment was actually produced [for a larger site] in 2014 by Northern Archaeological Associates for Mott MacDonald. This includes features which are not included in the Historic Environment Record. This desk based assessment must form part of the EIA.

The Report states that there will be consultation with both the Tyne and Wear Archaeological Officer and Historic England and it mentions the setting of heritage assets.

Section 8.5.1 of the Report states that the Ordnance Survey first edition map will be examined. However all relevant mapping should be examined (including pre-OS estate maps, tithe maps etc). These are held by Tyne and Wear Archives, Durham Record Office, Palace Green Library, Durham University and South Shields Library. All OS mapping from first edition to present should be examined. A thorough aerial photography search (including Historic England's archive) will be required. Lidar data (where available) should be examined. This is all standard practice for archaeological desk based assessments for Tyne and Wear.

The Tyne and Wear Archaeological Officer suggested that she provides the specification for the cultural heritage assessment, to ensure that CFA Archaeology Ltd look at all the relevant local resources of information.

Section 8.5.1 of the Report states that intrusive field evaluation will not be undertaken as part of the baseline study. It is standard practice in Tyne and Wear for greenfield sites to be subject to geophysical survey and evaluation trenching prior to a planning decision being made. Such sites have never been developed, so have never been subject to archaeological work. There may be unknown archaeological features (such as prehistoric or Romano-British settlements) on the site, which would not be picked up by a desktop study. So we would expect to see this fieldwork carried out after the desk based assessment and before a planning application is submitted.

One aspect of cultural heritage which is not really discussed (it is mentioned) in the Report is the North East Aircraft Museum. The buildings of the museum are of historic interest as they are thought to be the Personnel Accommodation and buildings of military use for RAF Usworth. There is a hangar at the museum which was relocated from the airfield. There is a relocated picket Hamilton fort at the museum. There is a circular cropmark in the bowling green next to the museum, which is on the site of an air raid shelter. The buildings will require recording if they are to be demolished. However, the museum's irreplaceable collection of military and wartime artefacts, plus the aircraft themselves are of a particular significance and it is assumed that a new home will be found for this museum. The picket Hamilton fort should be moved with the collection. I would expect the cultural heritage assessment to discuss the North East Aircraft Museum.

Geology, soils and contaminated land

In terms of Geology, soils and contaminated land the methodology for assessment and proposed ground investigation components appear to be comprehensive. We would also agree with the recommendations of the report in that geology, soils, contaminated land and water resources and flood risk should be scoped in and considered further within the EIA.

Noise and Vibration

The methodology in respect of the impact of IAMP upon noise and vibration considerations is comprehensive and includes assessing effects from construction and operational noise and vibration. Road traffic noise from both operational and construction sources will be assessed. The legislation and guidelines noted within the Report are in line with current best practice.


In terms of noise sensitive receptors, an authorised private travellers site exists within the 300 metre boundary that assessments will consider, this site is not noted in the spatial scope section 11.5.1 of the Report which lists noise sensitive receptors within 300m of the proposed development.

Water Resources and Flood Risk

The methodology for assessing water resources and flood risk as set out within the Report is a sensible approach and we would agree that a Flood Risk Assessment, Drainage Strategy and Water Framework Directive report should be compiled in support of the environmental statement.

A copy of this response has been placed on the planning register under reference ST/0870/16/ESO.

Yours sincerely ,



Peter Cunningham
Principal Development Management

Appendix 1:

South Tyneside Council Environmental Health Air Quality diffusion tubes monitoring results 2015

ID	Name	2014 Data Capture (%)	Annual Mean NO ₂ Concentrations (µg/m ³)					2015
			2010	2011	2012	2013	2014	
DT9	Fellgate estate end of Southerlands			8.2	14.5	28.7	24.7	27.3
DT10	Fellgate next to no. 33			15.9	12.1	29.5	27.5	22.9
DT11	Follinsbury Terrace			21.1	24.9	38.5	32.3	35.8
DT12	Lindisfarne Roundabout- on sign			27.0	30.5	37.3	30.4	32.5
DT13	Lindisfarne Road No.51			23.0	20.1	35.9	25.7	30.2
DT15	York Avenue			11.9	13.9	19.0	24.2	21.3
DT16	Hadrian Road			20.5	19.8	22.8	24.9	26.2
DT17	Edinburgh Road (triplicate)	100	27.2	21.2	20.6	35.0	24.0	26.2
DT18		100	30.0	22.7	23.5	33.0	27.2	27.1
DT19		100	30.8	19.6	20.9	35.3	30.2	28.0
DT21	Newcastle Road – near Mcdonalds			34.2	32.6	32.8	34.8	32.3
DT22	Newcastle Road – adjacent Henderson Road			30.3	30.7	34.1	27.0	29.2
DT29	Harton Grange	100	29.1	27.4	18.4	22.4	21.9	21.2
DT30	John Reid Road near crematorium	100	27.8	27.1	22.2	34.4	24.6	22.4
Annual Mean NO ₂ objective	40µg/m ³							

From: MUIR PAUL [mailto:paul.muirs@ntlworld.com]
Sent: 14 September 2016 13:13
To: Environmental Services
Cc: Paul Muir
Subject: BC030001 IAMP EIA Scoping Notification and Consultation

For the attention of Richard Hunt

Please find below a response on behalf of the Head of Highways Department, Sunderland City Council.

Due to IT issues at Sunderland City Council this week, I am sending this response via a personal email account (copying in my work email). I trust this is not an issue, but should you have any queries please do not hesitate to get in touch.

International Advanced Manufacturing Park (IAMP)
EIA Scoping Notification and Consultation – Sunderland City Council, Local Highway Authority
Response

Please find below response to the email consultation received on 18th August 2016 with the reference BC030001-000018, and addressed to 'Head of the Highways Department, Sunderland City Council.

(Comments provided are without prejudice, and will be subject to review once detailed information is provided in support of the proposal).

The comments provided specifically relate to Chapter 5 'Access and Transport' contained within the Arup report Environmental Impact Assessment Scoping Report:

Overview

The development will need to consider and take into account national policy guidance (NPPF), regional, and local planning (adopted UDP) and transport strategies including Local Transport Plan 3.

The proposed IAMP development will require the submission of a Transport Assessment to enable a detailed review of the transport and traffic impacts likely to result from this proposal.

Baseline

The Transport Assessment (TA) will need to be scoped with formal pre-application discussions recommended. The TA will need to include the following to ensure robust assessment:

- Traffic modelling (as proposed it is considered that a micro-simulation model would be appropriate) supported by appropriate traffic survey and journey data.
- The proposed extent of the model is considered appropriate, and it is noted that key junctions are identified on the local road network in three local authority areas (Gateshead, South Tyneside and Sunderland). The model also includes some key junctions on the strategic road network which will need to be reviewed and evaluated in conjunction with Highways England.
- Trip distribution methodology – given that the proposal is a regionally significant employment site and likely to generate traffic movement over an area wider than Sunderland / South Tyneside a skills based assessment may be appropriate in this case to identify journey patterns.
- Agreement will be required on the methodology to be followed with details of scenario testing including approval of opening and future years, development traffic, committed development and

allowance for traffic growth.

- The use of additional peak hour assessments to cover Nissan (NMUK) shift operations over and above normal weekday peak hours is considered appropriate. This is a reasonable approach given current traffic demands to ensure both existing traffic and development traffic can be accommodated along with provision of any highway improvements (details to be agreed).
- The proposal will need to be supported initially by a Framework Travel Plan with an overview of alternatives travel modes identified to help mitigate traffic impact. Detailed sustainable transport mitigation measures are to be provided at a later stage and be contained with site or phase specific travel plans linked to development plots (subject to outline planning approval).

Consultation

Suggested contacts to be engaged at detailed planning stage may include:

- External Consultees

Highways England, South Tyneside Council, Gateshead Council, Nexus, Network Rail, and relevant user groups (to be confirmed)

- Internal LHA Sub-Consultees

Public Rights of Way & Cycling Officer, Highway Maintenance and Network Management, Street Lighting

SCC Environmental Health and LPA officers will need to be party to discussions on development traffic flows to assist with air quality / noise assessment assessments and studies.

Potential Impacts on Access and Transport

It is noted that the scheme promoter will be following IEA guidelines and the DMRB approach to consider potential environmental impacts.

The potential environmental impact will need to consider receptors including nearby residential estates east of the A19 corridor in the Town End Farm, Hylton Castle and Castletown areas of Sunderland and nearby residential properties in West Boldon, South Tyneside. Local primary and secondary schools within these wards will need to be considered.

Given the scale of this regionally significant development additional considerations should include air quality, carbon savings, potential noise impact and subsequent attenuation measures (fencing, acoustic barriers, road surfacing treatments may be considered).

Severance –

Existing residential properties and/or agricultural holdings within the IAMP red line boundary area will need to have the traffic and environmental impact considered. Alternative access arrangements will need to be considered.

Pedestrian / Cyclist Amenity and Delay –

Safe routes for non-motorised users will need to be provided with segregation from other road users where achievable.

Accidents and Safety –

Analysis of personal injury accidents should cover a period of 5 years.

Methodology of Assessment

Noted that IEA guidelines are to be followed with initial criteria set out in Chapter 5.5

Approach to Mitigation

The key issues identified for mitigation will need to be addressed through the following documentary evidence:

Connectivity for all Modes / Highway Capacity -

- Agreement of Transport Assessment and recommendations for mitigation measures and highway improvements
- Submission and agreement of Framework Travel Plan
- Submission of detailed highway layouts including upgrades to link capacity, highway structures and junction improvements
- Provision of Stage 1 / 2 Road Safety Audit to consider highway safety implications

Bus Travel -

- Provision of a Public Transport Strategy which will consider potential transport interventions through provision of new / enhanced bus services and potentially heavy / light-rail provision (Metro)

Other Sustainable Transport Measures -

- Non-Motorised User Strategy detailing pedestrian, cycling and possibly equestrian routes and public rights of way implications

Construction Traffic Management Plan –

- Details of construction traffic and routing, abnormal load deliveries, construction management plan and scheme of working required.
- Dialogue with Nissan (NMUK) recommended to ensure site based activities do not conflict with shift patterns or just-in-time delivery / export arrangements for the automotive plant operations.

Cumulative Effects –

It is noted that some cumulative impacts and local receptors have been identified with the appendices.

A detailed list of committed developments for Gateshead, South Tyneside and Sunderland will need to be agreed as part of the TA Scoping.

Developments of note in Sunderland with traffic impacts and influences include the Enterprise Zone (Hillthorn Farm), developments within Nissan, the New Wear Crossing (open to traffic in Spring 2018).

Development Plans to consider:

South Tyneside – Draft Core Strategy / Local Plan and Strategic Land Review

Sunderland – Draft Core Strategy / Local Plan and Strategic Land Review

Gateshead / Newcastle – Adopted Core Strategy / Local Plan

Gateshead – Follingsby Lane development brief

Summary

Given the scale of this regionally significant employment site, the proposed approach to assessing the potential traffic impact on both the environment and road network appears reasonable. Further discussions will be essential as the proposal develops to ensure detailed information is provided to enable a robust evidence based recommendation.

Paul Muir
Group Engineer
Transportation Development
Sunderland City Council
Jack Crawford House
Commercial Road
Sunderland
SR2 8QR
Direct Dial: 0191 5611300

Mr Richard Hunt
The Planning Inspectorate
Environmental Services
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

ISSUED VIA EMAIL ONLY

Date: 13 September 2016
Our ref: IAMP EIA
Your ref: BC030001-000018

Dear Sir,

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE
PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS
2009 (AS AMENDED) – REGULATIONS 8 AND 9**

**APPLICATION BY IAMP LLP FOR AN ORDER GRANTING DEVELOPMENT
CONSENT FOR THE INTERNATIONAL ADVANCED MANUFACTURING
PARK (IAMP)**

**SCOPING CONSULTATION AND NOTIFICATION OF THE APPLICANT'S
CONTACT DETAILS AND DUTY TO MAKE AVAILABLE INFORMATION TO
THE APPLICANT IF REQUESTED**

I refer to your recent consultation, received 18 August 2016 regarding the above matter and wish to offer the following comments on behalf of Sunderland City Council, acting in its capacity as Local Planning Authority (LPA).

The consultation relates to a request received by the Secretary of State from IAMP LLP for its opinion (a scoping opinion) as to the information to be provided in an Environmental Statement (ES) relating to the IAMP project, which has been designated as being a Nationally Significant Infrastructure Project (NSIP).

It is understood that project seeks to provide approximately 260,000m² of floorspace over a 100ha site to be built out over an anticipated period of 15 years from the date of commencement. A further 50ha will remain as safeguarded land for development in the future as demand for floor space and services increases. In addition to the floorspace indicated above, it is understood that the following elements are likely to form part of the scheme:-

- Internal access roads and footways;
- Landscaped areas;
- Ecological and landscape mitigation area, surrounding the River Don;
- A bridge across the River Don;
- A bridge across the A19 to connect with Washington Road;
- Other associated ancillary uses (including a public transport interchange, retail, leisure and a hotel, known as 'the Hub'); and
- Utilities provision with the potential provision of an energy centre, and electricity sub-station upgrades.

Anticipated enabling infrastructure is likely to include:

- Upgrading and improving the key junctions within the existing transport network, although these are yet to be confirmed they are likely to include the junctions with Downhill and Follingsby Lanes, and the interface with Nissan;
- Construction of new, and expansion of existing, cycle-ways and footpaths to support sustainable transport options for employees on the site; and
- Construction of key utility links to the site.

Regulation 8 of the EIA Regulations concerns applications for EIA Scoping Opinions and having reviewed the submitted Scoping Report, it is considered to be in general accordance with Regulation 8 (3), which sets out the essential information that should be included. It has been noted that the submitted report contains chapters on the following:-

- Access and Transport
- Air Quality
- Geology, soils and Contaminated Land
- Noise and Vibration
- Biodiversity and Ecology
- Cultural Heritage and Archaeology
- Landscape and Visual
- Population and Human Health
- Socio-Economic
- Waste
- Water Resources and Flood Risk

I can confirm that the LPA considers the above topics to be those that would constitute the essential information that is required for the IAMP ES and having reviewed the document, I would offer the following advice without prejudice, and subject to further review once the information referred to has been provided in support of the proposal in due course.

- **Access and Transport**

The development will need to consider and take into account national policy guidance (NPPF), regional, and local planning (adopted UDP) and transport strategies including Local Transport Plan 3.

A Transport Assessment will be required to enable a detailed review of the transport and traffic impacts likely to result from this proposal. I understand that detailed comments from the Councils Transportation Section regarding this and the potential traffic impact on both the environment and road network are being sent out under separate cover.

- **Air Quality**

The Scoping Report recognises the potential for both the construction and operational phases of the proposed development to impact on the local environment and sensitive receptors. In this respect it is proposed that development associated impacts will be fully assessed. It is proposed that consultation will be undertaken with the Council Environmental Health Officers (EHO) to agree the proposed approach to the air quality assessment. Discussions will aim to agree the sensitive receptors to be assessed and the emission factors, background pollutant concentrations and meteorological data to be used in the assessment.

- **Geology, soils and Contaminated Land**

The Scoping Report acknowledges that areas of the site have accommodated previous industrial use and the land requires further investigation to determine its current conditions. It is proposed that a Phase I and Phase II assessment will be undertaken in accordance with current national guidance. It is recommended that consultation with the Council to agree the scope and content of these and any further assessments at the earliest opportunity.

- **Noise & Vibration**

The report indicates that noise and vibration associated with the construction and operational phases of the proposed development will be assessed in line with current national guidance. It is understood that consultation with Council EHOs will be undertaken in order to agree the scope of the assessment and proposed methodologies.

- **Biodiversity and Ecology**

The Scheme Promoter has been liaising with Council Ecologists regarding the potential impact of IAMP on species, habitats and designated sites and how they should be addressed. It is acknowledged that there are a number of legally protected and priority species present within and adjacent to the proposed IAMP site and any potential impacts upon these species and habitats will need to be addressed fully within the relevant chapter of the ES. The EclA will be required to make a full assessment of the importance of the wildlife on and adjacent to the site as well as the impact that the scheme will have on these interest features.

It must also demonstrate the full impact that the scheme will have with and without mitigation, and the residual significant effects following mitigation. The mitigation must be clear, robust and deliverable and maintained in-perpetuity.

In addition to the EclA a 'Statement to Inform' will need to be prepared for the IAMP, which will form the first stage (screening) of the Habitats Regulations Assessment process, which will be used to determine whether an Appropriate Assessment is required for the proposed development. In accordance with the Conservation of Habitats and Species Regulations 2010. Furthermore, it is acknowledged that site survey information is being undertaken throughout 2016 and part of 2017, the results should be used to inform any submission and mitigation strategy.

In order to ensure the proposal continues to be developed in a satisfactory manner, the Scheme Promoter is encouraged to continue to liaise with Council ecologists and other notable organisations such as Natural England, Environment Agency, Durham Wildlife Trust, North East Local Nature Partnership and Royal Society for the Protection of Birds (RSPB).

- **Cultural Heritage and Archaeology**

It is noted that details of previously recorded cultural heritage assets within the proposed development area have been obtained and that part of the impact assessment process, consultation with both the Tyne and Wear Archaeology Officer and Historic England will be undertaken, to clarify any issues which they consider to require particular assessment.

- **Landscape and Visual**

- **Building Heights**

Whilst it is noted that at the time of writing, there are no confirmed building heights for the main elements of the development, reference is made in the report to recently approved planning applications in the vicinity that have accommodated heights ranging from 11-44m and that the building heights for the IAMP will be within the range 20-30m, but could be as high as the proposed Nissan extensions to existing Body, Trim, Press and Paint Shops (44m) in a worst case scenario.

I would advise that careful consideration will have to be given to such building heights, particularly those quoted above, as in reality the majority of the industrial buildings in the area are more in the order of 12 - 15m in height. The 44m of the 13/01580/FUL application should be treated as an anomaly. As such, it is recommended that height parameters for buildings should be reduced to 15 – 20m with anything above this needing to be individually assessed as and when required. It is considered that such constraints would not be detrimental to the project and could be controlled via the Design Code that should be prepared as part of the Development Consent Order (DCO) for the site.

In addition, it is considered that due regard should be paid to the topography of the area, in order to identify any lower-lying land that may be able to accommodate taller buildings. Again, details of this, including potential height parameter zones should be included within the DCO.

- **Visual Impacts**

In terms of the Landscape and Visual Assessment, I would question whether the 2km wide baseline survey being undertaken is being measured from the centre point of the site or from the red line boundary? Clarification should be sought in this regard as this will have implications on the areas included within the survey. It would be helpful if a plan was included to identify where the assessment will be carried out.

It is expected that the visual impact assessment should be able to demonstrate that the proposals have as minimal an impact on the surrounding area as possible when viewed in context with the existing development in place around the Nissan plant, in particular when viewed from the distance.

- **Population and Human Health**

It is acknowledged that a Health Impact Assessment (HIA) will be prepared to consider all relevant health determinants other than pre-determined factors and that recommendations will be proposed to reduce any negative impacts and maximise any positive impacts on health. Such recommendations may include detailed design considerations or recommendations for management practices during the construction and operation of the proposed development. The responsible organisation(s) and the timing of actions required to implement any recommendations made in the HIA will be identified.

- **Socio-Economic**

It is noted that a chapter of the ES will assess the socio-economic effects of the proposed development on employment, housing, and amenity. The assessment will be desk-based and will consider effects from construction and operation using both qualitative and quantitative analysis techniques. Such a form of assessment is considered to be acceptable.

- **Waste**

It is acknowledged that an assessment of the likely significant effects of solid waste generation associated with the construction and operational phases of the proposed development will be undertaken as part of the ES. The effects will be assessed in the context of relevant national, regional and local waste management policies and regional waste management treatment and disposal capacity. It is further acknowledged that appropriate mitigation measures will be identified to reduce the quantity of waste sent for final disposal and to apply sustainable waste management practices within the development. Such a form of assessment is considered to be acceptable.

- **Water Resources and Flood Risk**

With regards Water Resources and Flood risk, it has been noted that the River Don runs through the centre of the IAMP area. It is acknowledged that the report confirms that flood risk and drainage issues will be taken into consideration in order to mitigate the risks of fluvial and surface water flooding and that the proposals will not lead to any loss in floodplain storage capacity nor an increase in maximum flood levels within adjoining properties as a consequence of the proposed works. The use of an integrated sustainable drainage system (SuDS) including a series of dykes and wet and dry swales which will manage water movement around the site as well as introduce planting and landscaping with the development areas is welcomed. In addition to the measures set out above, consideration should be given to the use of source control techniques (such as permeable paving, bioretention areas, rain gardens, rainwater harvesting etc. as part of the application. The Scheme Promoter should also reference Sunderland City Council Flood Risk Management Strategy, Sunderland Strategic Flood Risk Assessment and the National Planning Policy Framework technical guidance.

Summary

To conclude, given the scale of this Nationally Important Infrastructure Project, the proposed approach to assessing the potential environmental impacts appears to be generally acceptable. As explained above though, it is recommended that further discussions are undertaken between the Scheme Promoter and the Local Authority as regulatory body as the proposal develops (including the preparation of the EIA), in order to ensure that sufficient detailed information is provided to enable robust evidence based recommendations to be made.

Thank you for consulting with Sunderland City Council (acting in its capacity as regulatory body) with regards to your consultation on the IAMP EIA Scoping and I trust that this response is of assistance. Please do not hesitate to contact me should you have any further queries in this regard.

Yours faithfully



Iain Fairlamb

Head of Planning and Regeneration

CC George Mansbridge,
Head of Development Services, South Tyneside Council.



The Coal
Authority

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

0345 762 6848
01623 637 119 (Planning Enquiries)
planningconsultation@coal.gov.uk
www.gov.uk/coalauthority

Mr R. Hunt – Senior EIA and Land Rights Advisor
The Planning Inspectorate

[By Email: EnvironmentalServices@pins.gsi.gov.uk]

Your Ref: BC030001

13 September 2016

Dear Mr Hunt

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9

The International Advanced Manufacturing Park (IAMP) Development Consent Order – EIA Scoping Consultation

Thank you for your letter of 18 August 2016 seeking the views of the Coal Authority on the EIA Scoping Opinion for the above proposal.

The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy and Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response:

I have reviewed the proposals and confirm that the south western corner of the site falls within the defined Development High Risk Area; therefore within the proposed DCO application site and surrounding area there are coal mining features and hazards which need to be considered as part of this proposal and its accompanying Environmental Statement.

The Coal Authority is therefore pleased to note that the EIA Scoping Report (dated 15 August 2016 and prepared by Arup) submitted by IAMP LLP at Section 9.2.3 acknowledges this potential localised risk to land stability and includes an appropriate methodology at Section 9.8 for undertaking an assessment of the potential risks associated with past coal mining activity as part of the Environmental Statement to accompany the DCO application.



RTPI
Learning Partner



**INVESTORS
IN PEOPLE**

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Mark Harrison

Mark E. N. Harrison *B.A.(Hons), DipTP, LL.M, MInstLM, MRTPI*

Principal Manager - Planning & Local Authority Liaison

From: Richie Rickaby [mailto:Richie.Rickaby@twfire.gov.uk]
Sent: 02 September 2016 09:47
To: Environmental Services
Subject: RE: International Advanced Manufacturing Park (IAMP)

FAO Richard Hunt

Hi Richard with regards to EIA consultation the only consideration Tyne and Wear Fire and Rescue Service is as follows;

- Sufficient water supplies for firefighting purposes, and
- The early consideration of sprinkler protection for the new premises to ensure both property protection including business continuity and prevention from major environmental damage, which may result from a large fire at one of these premises.

Thanks in anticipation Richie
