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# Tees CCPP Project

The Tees Combined Cycle Power Plant Project  
Land at the Wilton International Site, Teesside

## Volume 1 - Chapter 2

Regulations – 6(1)(b) and 8(1)

**Applicant:** Sembcorp Utilities UK  
**Date:** November 2017

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## 2.1 INTRODUCTION

2.1 This chapter provides an overview of the national and local planning policy of most relevance to the EIA of the Project. Each technical chapter also refers to the policies that are particularly relevant to the assessment of the environmental effects reported. A full Planning Statement (DCO Document Reference Number 5.5) has been included within the DCO submission.

## 2.2 LEGISLATIVE CONTEXT

2.2 The Planning Act 2008 (the 'Act') introduced a new system for consulting on, examining and determining NSIPs as defined by section 14 of the Act.

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

- The Act;
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations); and
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the 2009 EIA Regulations) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 2017 EIA Regulations) <sup>(1)</sup>.

2.4 The Project falls within the definition of a NSIP under sections 14(1) (a) and 15(1) and (2) of the Act, being an onshore electricity generating station in England with a capacity exceeding 50 MWe. It also falls under Schedule 1 of the 2009 EIA Regulations, under the paragraph 2 category of 'Thermal power stations and other combustion installations with a heat output of 300 megawatts or more'. As such, an EIA is required for the Project and an ES must be prepared in accordance with the 2009 EIA Regulations <sup>(2)</sup>.

2.5 Before a NSIP can proceed, an application for a DCO must be submitted to PINS pursuant to section 37 of the Act. PINS acts on behalf of the relevant SoS; in this case the SoS for Business, Energy and Industrial Strategy (BEIS). PINS is responsible for examining the application and making a recommendation to the SoS who then makes the decision as to whether a DCO should be made authorising the construction and operation of the development in question. A DCO can provide for or remove the need to obtain a number of authorisations and consents (eg planning permission), meaning applicants do not need to make multiple consent applications. It can

(1) Section 1.6 sets out how this ES addresses the 2017 EIA Regulations and transitional provisions regarding the applicability of the 2009 EIA Regulations.

(2) op cit

also provide powers of compulsory acquisition, enabling the acquisition of land or rights in land required to deliver the development.

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

### 2.3 *NATIONAL POLICY*

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

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

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

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

- the Overarching National Policy Statement for Energy (EN-1) (Department for Energy and Climate Change);

- the National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2);
- the National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4); and
- the National Policy Statement for Electricity Networks Infrastructure (EN-5).

2.10 Key policy in each of these is described below.

2.11 In making decisions on applications for NSIPs, Section 104 of the Act states that the SoS must also (in addition to the NPSs) have regard to any other matters that they consider to be both ‘important and relevant’ to their decision. Paragraph 4.1.5 of EN-1 provides some clarification on such matters, stating that these may include local development plan documents or other documents in the local development framework.

### 2.3.1 *The Overarching NPS for Energy (EN-1)*

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

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

- the Government’s commitment to meet its legally binding target to cut greenhouse gas emissions by at least 80% by 2050 compared to 1990 levels;
- the need to effect a transition to a low carbon economy so as to reduce greenhouse gas emissions; and
- the importance of maintaining secure and reliable energy supplies as older fossil fuel generating plant closes as the UK moves towards a low carbon economy.

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

2.15 Notably, paragraph 3.1.3 of EN-1 stresses that the Secretary of State should assess applications for development consent for the types of infrastructure covered by the energy NPSs “...on the basis that the Government has

*demonstrated that there is a need for those types of infrastructure and that the scale and urgency of that need...*" is as described for each of them. Paragraph 3.1.4 continues that the SoS should give substantial weight to the contribution that all projects would make toward satisfying this need when considering applications under the Act. As such, EN-1 is clear that the need that exists for new energy infrastructure is not open to debate or interpretation.

- 2.16 The urgency of the need for new electricity generating capacity is underlined by projections within EN-1 that indicate up to 22 gigawatts (GWe) of existing capacity will close over the period to 2020 in part due to the Industrial Emissions Directive but also as a result of some power stations reaching the end of their operational lives (paragraph 3.3.7). In response to this, EN-1 identifies a minimum need for 59 GWe of new generating capacity over the period to 2025 (paragraph 3.3.23).
- 2.17 Part 4 of EN-1 sets out a number of 'assessment principles' that must be taken into account by applicants, PINS and the SoS in (respectively) preparing, examining and determining applications for nationally significant energy infrastructure. General points include (paragraph 4.1.2), given the level and urgency of need for the infrastructure covered by the energy NPSs, the requirement for the SoS to start with a presumption in favour of granting consent for applications for energy NSIPs. This presumption applies unless any more specific and relevant policies set out in the relevant NPS clearly indicate that consent should be refused or any of the considerations referred to in Section 104 of the Act (noted above) apply.
- 2.18 Paragraph 4.1.3 goes on to state that in considering any application, and in particular, when weighing its adverse impacts against its benefits, the SoS should take into account:
- its potential benefits, including its contribution to meeting the need for energy infrastructure, job creation and any long-term or wider benefits; and
  - its potential adverse impacts, including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.
- 2.19 Paragraph 4.1.4 continues by stating that within this context the SoS should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels.
- 2.20 Other assessment principles include the matters to be covered within the ES produced for the application; the Conservation of Habitats and Species Regulations 2010; the consideration of alternatives; criteria for 'good design'; consideration of the feasibility of combined heat and power; consideration of the requirements of the carbon capture readiness regulation; grid connection; climate change adaptation; pollution control and environmental regulatory

regimes; safety; hazardous substances; health; common law and statutory nuisance and security, amongst others.

2.21 The key assessment principles set out in EN-1 that apply to energy infrastructure are detailed in *Table 2.1*.

**Table 2.1** *NPS EN-1 Assessment Principles*

EN-1 Ref	Assessment Principle	Summary of Assessment Requirements
4.2	Environmental Statement	Projects subject to the EU EIA Directive must be accompanied by an ES describing the aspects of the environment likely to be significantly affected by the project. The ES should adequately assess the likely significant effects of the project, including any residual effects taking account of mitigation measures and also cumulative effects. The ES should explain what elements of the project are not yet finalised and where this is the case, set out the maximum extent of the Project in terms of site area and plant specification and assess it on that basis.
4.3	Habitats and Species Regulations	Applicants must establish whether a Habitats Regulations Assessment (HRA) is required under the EU Habitats and Birds Directives (92/43/EEC and 2009/147/EC respectively). Where this is the case sufficient information must be provided with the application in order to enable the SoS to determine whether an Appropriate Assessment is required.
4.4	Alternatives	There is no <i>general</i> requirement from a policy perspective to consider alternatives, but applicants are obliged to include within the ES information about the main alternatives studied and the principle reasons for the applicant's choice. In some circumstances there is specific legislation (e.g. Habitats and Birds Directives) that requires the consideration of alternatives. The relevant technology specific NPSs may also impose <i>specific</i> policy requirements to consider alternatives (as does EN-1 in Sections 5.3 (Biodiversity and Geological Conservation), 5.7 (Flood Risk) and 5.9 (Landscape and Visual), but those requirements are not of direct relevance in this case).
4.5	Criteria for Good Design for Energy Infrastructure	Energy infrastructure should be sustainable and, having regard to regulatory and other constraints, be attractive, durable and as adaptable as possible and apply good design in terms of siting and appearance.
4.6	Consideration of Combined Heat and Power (CHP)	Applicants are required to consider the viability of CHP and provide evidence that the possibility of this has been fully explored.
4.7	Consideration of CCS and Carbon Capture Readiness (CCR)	All commercial large-scale fossil fuelled generating stations have to be "carbon capture ready" to ensure there are no foreseeable barriers to retrofitting carbon capture and storage equipment, to enable carbon dioxide that would otherwise be released into to the atmosphere to be captured and stored.
4.8	Climate Change Adaptation	Applicants should take account of the need to adapt to and mitigate the effects of climate change within the design of energy infrastructure in order to ensure that this is sufficiently resilient against possible effects of climate change so that it can satisfy energy needs. Applicants should also take account of the potential effects of the infrastructure upon climate change using the latest UK climate change projections.

EN-1 Ref	Assessment Principle	Summary of Assessment Requirements
4.9	Grid Connection	It is for the applicant to ensure that the necessary grid connection can be provided for new energy infrastructure and that there is sufficient capacity within existing or planned transmission and distribution networks to accommodate the electricity generated. There is no requirement to have received a formal offer at the time of the application and it is a commercial risk for the applicant, but the SoS will want to be satisfied that there is no obvious reason why a grid connection cannot be made.
4.10	Pollution control and other environmental regulatory regimes	Discharges / emissions from new energy infrastructure that may affect air, water and land quality and the marine environment, or which involve noise and vibration may be subject to separate regulation under the pollution control framework or other consenting and licencing regimes. Many projects will require an Environmental Permit (EP) to operate under the Environmental Permitting (England and Wales) Regulations 2016. These regulations also cover operational waste management requirements for certain activities. Applicants are advised to make early contact with relevant regulators, including the EA to discuss their requirements or environmental permits and other consents. Wherever possible, applicants are encouraged to submit applications for EPs and other necessary consents at the same time as applying for development consent.
4.11	Safety	Applicants should consult with the Health and Safety Executive (HSE) on matters relating to safety. In particular, applicants seeking to implement infrastructure subject to the Control of Major Accident Hazards Regulations 2015 should make early contact with the competent authority (comprising the HSE and the EA acting jointly in England and Wales). If a safety report is required it is important to discuss with the competent authority the type of information that should be provided at the design and development stage and what form this should take.
4.12	Hazardous Substances	Hazardous Substances Consent (HSC) is required where certain substances are stored above thresholds set out in the The Planning (Hazardous Substances) Regulations 2015.  HSC is not required for this Project as none of the thresholds are exceeded.
4.13	Health	Where the project has an effect on human beings, the ES should assess these effects for each element of the project, identifying any adverse health effects and measures to avoid, reduce or compensate for these effects as appropriate. The applicant should also consider the cumulative impact on health. Direct effects on health may include increased traffic, air or water pollution, dust, odour, hazardous waste and substances, noise, exposure to radiation and increases in pests.
4.14	Common Law Nuisance and Statutory Nuisance	Possible sources of nuisance under Section 79(1) of the Environmental Protection Act 1990 (EPA 1990) and how they can be mitigated or limited should be identified and appropriate requirements can be included in any subsequent development consent order.
4.15	Security Considerations	Proportionate protective security measures should be designed into new infrastructure projects at an early stage in project development. Where applications relate to potentially critical infrastructure there may be national security considerations. The Department for Business, Energy and Industrial Strategy (DBEIS) will be notified at pre-application stage about every likely future application for energy infrastructure so that any national security implications can be identified. Where these are identified, the application should consult with relevant security experts.



2.22 Part 5 of EN-1 lists a number of ‘generic impacts’ that relate to most types of energy infrastructure, which both applicants and the SoS should take into account when preparing and considering applications. These include land use; socio-economic aspects; air quality and emissions; noise and vibration; dust, odour, artificial light, steam and smoke; traffic and transport; civil and military aviation; biodiversity and geological conservation; historic environment; landscape and visual; water quality and resources; flood risk and waste, amongst others. Paragraph 5.1.2 stresses that the list of impacts is not exhaustive and that applicants should identify the impacts of their projects in the ES in terms of both those covered by the NPSs and others that may be relevant. In relation to each of the generic impacts listed within Part 5 of EN-1, guidance is provided on how the applicant should assess these within their application and also the considerations that the SoS should take into account in decision-making. The generic impacts are listed in *Table 2.2*, and these have been taken into account in the relevant technical assessments (*Volume 1, Chapters 6 to 15*).

**Table 2.2** NPS EN-1 Generic Impacts

EN-1 Ref	Generic Impact	Covered in ES Chapter
5.2	Air Quality and Emissions	Chapter 7 Air Quality
5.3	Biodiversity and Geological Conservation	Chapter 9 - Ecology and Nature Conservation
5.4	Civil and Military Aviation and Defence Interest	Not applicable
5.5	Coastal Change	Not applicable
5.6	Dust, Odour, Artificial Light, Smoke, Steam and Insect Infestation	Covered in Statutory Nuisance Statement (DCO document reference 5.9).
5.7	Flood Risk	Covered in Chapter 6 but specifically in Annex C; Flood Risk Assessment.
5.8	Historic Environment	Chapter 12 Archaeology and Cultural Heritage
5.9	Landscape and Visual	Chapter 11 Landscape and Visual Amenity
5.10	Land Use including Open space, Green Infrastructure and Green Belt.	Chapter 4 Overview of Environmental and Socio-economic Baseline
5.11	Noise and Vibration	Chapter 8 Noise and Vibration
5.12	Socio-Economic	Chapter 13 Socio-economic Characteristics
5.13	Traffic and Transport	Chapter 10 Traffic and Travel
5.14	Waste Management	Annex D4 - Construction Site Waste Management Plan
5.15	Water Quality and Resources	Chapter 6 Ground Conditions, Water Resources and Flooding

**2.3.2** *The NPS for Fossil Fuel Electricity Generating Infrastructure (EN-2)*

2.23 Taken together with NPS EN-1, EN-2 provides the primary basis for decisions on applications for fossil fuels electricity generating stations, including gas-fired power stations (such as the Project). The document provides additional policy guidance against which to assess such proposals.

- 2.24 EN-2 reiterates the vital role fossil fuel generating stations will play in providing reliable electricity supplies and a secure and diverse mix as the UK makes its transition towards a secure decarbonised electricity system. It also restates from EN-1 the Government policy that all new gas-fired generating stations should be “carbon capture ready” (see Paragraph 4.7 of EN-1 in *Table 2.1* above).
- 2.25 Part 2 deals with assessment and technology-specific information, including factors influencing site selection by applicants, Government policy criteria for fossil fuel generating stations and the main technology specific effect considerations. Paragraphs 2.2.1 – 2.2.11 state the factors influencing site selection by applicants including land use, transport infrastructure, water resources and grid connection. Paragraphs 2.3.1 – 2.3.16 give criteria which must be met before consent for a new fossil fuel generating station can be given. These include consideration of combined heat and power, climate change adaptation and ‘good design’ for energy infrastructure.
- 2.26 With regard to CCR paragraph 2.3.4 restates the requirement of EN-1 that new combustion generating stations with a generating capacity at or over 300 MW have to be “carbon capture ready” to ensure there are no foreseeable barriers to retrofitting carbon capture and storage equipment, to enable carbon dioxide that would otherwise be released into to the atmosphere to be captured and stored.
- 2.27 Paragraph 2.3.5 requires applicants to have sufficient additional space (whether on or near the site) for carbon capture equipment, retain their ability to build carbon capture equipment on this space and submit update reports on the technical aspects of its CCR status to the Secretary of State for Energy and Climate Change.
- 2.28 The impact assessment principles that are identified as being particularly relevant to fossil fuel generating stations are set out at paragraphs 2.5 – 2.10 of EN-2 and are listed in *Table 2.3* below.

**Table 2.3** *NPS EN-2 Assessment Principles*

EN-2 Ref	Impact Assessment Principle
2.5	Air Quality and Emissions: <i>Meet requirements of IED, and obtaining of an Environmental Permit</i>
2.6	Landscape and Visual: <i>Design of fossil fuel generating stations to provide the best fit with the existing local landscape so as to reduce visual impacts. Noting impacts cannot be eliminated but can be minimised through design.</i>
2.7	Noise and Vibration: <i>Good design, including enclosure of plant and machinery in noise-reducing buildings wherever possible and to minimise the potential for operations to create noise. Noting noise from apparatus external to the main plant may be unavoidable but it can be mitigated through careful plant selection.</i>
2.10	Water quality and resources: <i>Demonstrate that appropriate measures will be put in place to avoid or minimise adverse impacts of abstraction and discharge of cooling water.</i>

2.3.3 *The NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4)*

2.29 Section 2.19 of EN-4 provides guidance on the assessment of applications for new gas pipelines and may be of some relevance to the Project as it includes a connection to an existing gas pipeline.

2.30 The specific impact assessment principles that are identified as being particularly relevant are listed in *Table 2.4* below.

**Table 2.4** *NPS EN-4 Assessment Principles*

EN-4 Ref	Impact Assessment Principle
2.20	Noise and Vibration: <i>specific noise and vibration considerations which apply to gas and oil pipelines during the preconstruction and construction phases.</i>
2.21	Biodiversity, Landscape and Visual - <i>Additional considerations during the construction of a pipeline.</i>
2.22	Water Quality and Resources: <i>Consideration of pipeline impacts including inadequate or excessive drainage, interference with groundwater flow pathways, mobilisation of contaminants already in the ground, the introduction of new pollutants, flooding, disturbance to water ecology, pollution due to silt from construction and disturbance to species and their habitats.</i>
2.23	Soil and Geology: <i>Consideration of soil types and the nature of the underlying strata, as well as underground cavities and unstable ground conditions.</i>

2.3.4 *The NPS for Electricity Networks Infrastructure (EN-5)*

2.31 EN-5 is of some relevance to the Project as it includes an electricity grid connection with the electricity network. The electricity connection has been included within the DCO application. The application will use an existing grid connection route and existing substations. EN-5 (Section 2.3) sets out the general assessment principles for electricity network infrastructure. Paragraphs 2.3.1 - 2.3.6 set out a number of assessment principles that PINS may have regard to in considering such infrastructure, including the contribution that it would make to the promotion of renewable energy, the achievement of climate change objectives and the maintenance of an appropriate level of security of electricity supply (paragraph 2.3.4). Electricity network infrastructure is also subject to the same broad assessment principles as other energy infrastructure, notably climate change adaptation (Section 2.4) and good design (Section 2.5). The technology specific impact assessment principles that are identified for electricity network infrastructure are listed in *Table 2.5* below.

**Table 2.5** *NPS EN-5 Assessment Principles*

EN-5 Ref	Impact Assessment Principle
2.7	Biodiversity and Geological Conservation: <i>consideration of impact upon birds including feeding and hunting grounds, migration corridors and breeding grounds.</i>
2.8	Landscape and Visual: <i>specific considerations of electricity networks infrastructure</i>
2.9	Noise and Vibration: <i>specific considerations of electricity networks infrastructure</i>
2.10	Electric and Magnetic Fields (EMFs): <i>consideration of EMF.</i>

### 2.3.5 *National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)*

- 2.32 The National Planning Policy Framework (NPPF) was adopted in March 2012 (Department for Communities and Local Government (DCLG), 2012) and replaced the majority of Planning Policy Statements and Planning Policy Guidance Notes. The policies contained within the NPPF are expanded upon and supported by the Planning Practice Guidance, which was published in March 2014.
- 2.33 The NPPF sets out the Government's planning policies for England and how these are to be applied. It is a material consideration in planning decisions. Paragraph 3 of the NPPF makes it clear that the document does not contain specific policies for NSIPs and that applications in relation to NSIPs are to be determined in accordance with the decision making framework set out in the Act and relevant NPSs, as well as 'any other matters that are considered both important and relevant'. However, paragraph 3 goes on to confirm that the NPPF may be considered to be a matter that is both important and relevant for the purposes of assessing DCO applications. The EIA undertaken for the Project will therefore have regard to the relevant policies of the NPPF as part of the overall framework of national policy.
- 2.34 Paragraph 6 of the NPPF is clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that the policies that are set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice.
- 2.35 Paragraph 7 goes on to identify three dimensions to sustainable development: economic, social and environmental. It states that these dimensions give rise to the need for the planning system to perform a number of key roles as follows:
- an *economic role*, contributing to a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development, including the provision of infrastructure;
  - a *social role*, supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generation and by creating a high quality built environment, with accessible local services that reflect communities needs and support their health, social and cultural well-being; and
  - an *environmental role*, contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.

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

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

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

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

2.39 A summary of the NPPF policies of relevance to the Project is provided in *Table 2.6*.

**Table 2.6** *National Planning Policy Framework Policy Summary*

NPPF Ref.	Policy Title/ Paragraph	Summary of Policy
Part 1	Building a strong and competitive economy	Paragraph 18 confirms that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meet the twin challenges of global competition and of a low carbon future. Paragraph 21 makes it clear that the planning system should do all it can to support sustainable economic growth through, amongst other measures, planning proactively and removing barriers to investment such as a lack of infrastructure. It goes on to state that local

NPPF Ref.	Policy Title/ Paragraph	Summary of Policy
		authorities should identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.
Part 4	Promoting sustainable transport	Aimed at facilitating more sustainable transport choices so as to contribute to wider sustainability and health objectives. Paragraph 32 states that all projects that generate significant amounts of movement should be supported by a Transport Statement or Assessment and these should consider the opportunities to make use of sustainable transport modes. Paragraph 36 identifies Travel Plans as being the key tool to facilitating more sustainable transport choices
Part 7	Requiring good design	Deals with the matter of design in the built environment. Paragraph 56 confirms that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 57 goes on to state that it is important to plan positively for the achievement of high quality and inclusive design for all development
Part 10	Meeting the challenge of climate change, flooding and coastal change' focuses upon adapting to and mitigating the effects of climate change	Paragraph 93 highlights that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the effects of climate change, and supporting the delivery of renewable and low carbon energy. This is seen as central to the economic, social and environmental dimensions of sustainable development. Paragraph 99 stresses that new projects should be planned to avoid increased vulnerability to the range of effects arising from climate change, including flood risk, coastal change, water supply and changes to biodiversity and landscape.
Part 11	Conserving and enhancing the natural environment	Paragraph 109 highlights that the planning system should aim to conserve and enhance the natural environment through a number of means, including protecting and enhancing valued landscapes; geological conservation interests and soil; minimising effects on biodiversity and providing net gains in biodiversity where possible; and preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. These themes are expanded upon in paragraphs 110 - 125. Paragraph 120 states that to prevent unacceptable risks from pollution, local authorities should ensure that new development is appropriate to its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or project to adverse effects and pollution, should be taken into account. Paragraph 123 emphasises the need to avoid noise from new projects giving rise to significant adverse effects of health and the quality of life.
Part 12	Conserving and enhancing the historic environment	Matters relating to the conservation of the historic environment are dealt with at Section 12 of the NPPF (paragraphs 126-141). Paragraph 128 states that where a project is proposed on a site that includes or has the

<b>NPPF Ref.</b>	<b>Policy Title/ Paragraph</b>	<b>Summary of Policy</b>
		potential to include heritage assets or archaeological interests, applicants should be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Paragraph 134 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal and Paragraph 135 goes on to provide that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### **PPG**

2.40 A summary of the PPGs of relevance to the Project is provided in *Table 2.7*.

**Table 2.7 PPG Summary**

<b>PPG Ref.</b>	<b>Title</b>	<b>Summary</b>
Natural environment	Natural environment	Explains key issues in implementing policy to protect biodiversity, including local requirements.
Waste	Waste	Provides further information in support of the implementation of waste planning policy.
Water supply, wastewater and water quality	Water supply, wastewater and water quality	Advises on how planning can ensure water quality and the delivery of adequate water and wastewater infrastructure.
Climate change	Climate change	Advises how to identify suitable mitigation and adaptation measures in the planning process to address the impacts of climate change.
Conserving and enhancing the historic environment	Conserving and enhancing the historic environment	Advises on enhancing and conserving the historic environment.
Air quality	Air quality	Provides guiding principles on how planning can take account of the impact of new development on air quality.
Noise	Noise	Advises on how planning can manage potential noise impacts in new development.
Design	Design	Provides advice on the key points to take into account on design.
Light pollution	Light pollution	Advises on how to consider light within the planning system.
Flood risk and coastal change	Flood risk and coastal change	Advises how to take account of and address the risks associated with flooding and coastal change in the planning process.

## 2.4 LOCAL POLICY

- 2.41 The Project lies entirely within the administrative area of Redcar and Cleveland Borough Council (RCBC) which is a unitary authority.
- 2.42 The local (statutory) development plan for the area is currently made up of the following documents:
- the 'saved' policies of the Redcar & Cleveland Local Plan, adopted June 1999;
  - the Core Strategy Development Plan Document, adopted July 2007;
  - the Development Policies Development Plan Document, adopted July 2007;
  - the Tees Valley Joint Minerals and Waste Development Plan document, adopted September 2011;
  - the Local Development Framework Proposals Map; and
  - Interim Policy on Hot Food Takeaways.
- 2.43 The Tees Valley Joint Minerals and Waste Development Plan document (2011) and the Interim Policy on Hot Food Takeaways document do not contain any relevant policies with regards to the Project and are not considered further.
- 2.44 RCBC is currently preparing a 'New Local Plan' to replace the saved policies of the 1999 Local Plan and the above Development Plan Documents. The Plan is at a relatively advanced stage and RCBC has been submitted to the Secretary of State for examination. According to the November 2016 Local Development Scheme, the Local Plan is anticipated to be adopted in August 2017.
- 2.45 While section 104 of the Act states that other matters that are 'important and relevant' (and to which the SoS must also have regard) include local development plan documents, EN-1 is clear that in the event of any conflict between a NPS and a local development plan document, the NPS prevails for the purpose of SoS decision-making given the national significance of the infrastructure concerned.
- 2.46 The documents considered to contain relevant policies are; The Core Strategy Development Plan Document (2007), the Development Policies Development Plan Document (2007), and the draft 'New Local Plan'.
- 2.47 The relevant policies are summarised below.
- 2.48 Core Strategy Development Plan Document (2007) policies of note included the following.
- **CS1 Securing a Better Quality of Life:** focusing upon sustainable development underpinning development proposals.



- **CS4 Spatial Strategy for South Tees Employment Area:** increase investment and employment in the area, protect and enhance business, safeguard the steel industry and develop energy industries.
- **CS8 Scale and Location of New Employment Development:** up to 160 hectares of general employment land will be brought forward in the period up to 2021.
- **CS9 Protecting Existing Employment Areas:** land and buildings within existing business parks and industrial estates will continue to be developed and safeguarded for business and general industry.
- **CS11 Innovation and New Technologies:** proposals will be supported that strengthen the development of the Borough as a centre for energy and recycling industries. Such development will be centred at Wilton International and the wider South Tees area.
- **CS22 Protecting and Enhancing the Borough's Landscape:** the overall approach will be to protect and enhance the Borough's landscape based on the character areas identified through the Landscape Character Assessment.
- **CS24 Biodiversity and Geological Conservation:** the Borough's biodiversity and geological resource will be protected and enhanced.
- **Policy CS25 Built and Historic Environment:** development proposals will be expected to contribute positively to the character of the built and historic environment of the Borough.
- **CS26 Managing Travel Demand:** development proposals will be required to support the Redcar and Cleveland Local Transport Plan.

2.49 Development Policies DPD Development Plan Document (2007) policies are as follows.

- **DP1 Development Limits:** within development limits, development will generally be acceptable where it accords with site allocations and designations in the Local Development Framework.
- **DP3 Sustainable Design:** all development must be designed to a high standard.
- **DP6 Pollution Control:** development that would give rise to increased levels of noise or vibration or which would add to air, land or water pollution, by itself or in accumulation with existing or other proposed uses, will only be permitted under specific circumstances that may require mitigation to create acceptable conditions.

- **DP7 Potentially Contaminated and Unstable Land:** development on or near potentially contaminated or unstable land will not be permitted unless effective measures are agreed to deal with any contamination or instability.
- **DP10 Listed Buildings:** any development affecting the setting of a listed building will only be permitted under specific circumstances.
- **DP11 Archaeological Sites and Monuments:** development that would adversely affect important archaeological sites or monuments will not be approved.

2.50 Draft Publication Local Plan (November 2016) policies are as follows.

- **SD 1 Sustainable Development:** when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- **SD2 Locational Policy:** development will be directed to the most sustainable locations in the borough.
- **SD 3 Development Limits:** within development limits, development will generally be acceptable where it accords with the site allocations and designations in the Local Plan.
- **SD 4 General Development Principles:** in assessing the suitability of a site or location, development will be permitted where it fulfils general development principles identified within SD4.
- **SD6 Renewable and Low Carbon Energy:** renewable and low carbon energy schemes will be supported and encouraged, and will be approved where their impact is, or can be made, acceptable.
- **SD 7 Flood and Water Management:** flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk.
- **LS 4 South Tees Spatial Strategy:** a number of economic, connective, and environmental aims for areas within South Tees including Wilton International.
- **ED 6 Protecting Employment Areas:** land and buildings within existing industrial estates and business parks will continue to be developed and safeguarded for general industrial and business uses (B1, B2 and B8 uses).
- **N 1 Landscape:** aim to protect and enhance the borough's landscapes.

- **N 4 Biodiversity and Geological Conservation:** protect and enhance the borough's biodiversity and geological resources.
- **HE 3 Archaeological Sites and Monuments:** development that would adversely affect archaeological sites or monuments that are designated heritage assets, or their settings, or archaeological sites of equivalent significance will only be approved in the most exceptional circumstances.
- **TA 1 Demand Management Measures:** the LTP will provide an overarching framework for demand management that will ensure that a comprehensive approach is taken to include the provision of public transport alternatives; and the identification of the full range of demand management measures, including parking policies, that should be considered for implementation through programmes, bespoke to particular areas of the borough.
- **TA 2 Travel Plans:** development proposals will be required to support the Redcar and Cleveland Local Transport Plan.

2.51 Following a review of the Redcar and Cleveland Local Development Framework (LDF) Proposals Map the Project Site is identified as having 2 currently adopted policies overlapping the Project Site's boundary; these are: CS10, Steel, Chemical and Port Related Industries; and DP1, Development Limits. Whilst overlapping the Project Site, neither policy gives a direct comment on the Project Site for energy uses; furthermore Wilton International is specifically identified for chemical related activities. It is however noted that the proposed use is considered to be of a similar classification as those identified within CS10, and as such it is considered by the applicant that the proposed land use is appropriate.

2.52 With regards to energy policies it is noted that within policy CS4, 'South Tees Employment Area', subsection 'e' states an aim to develop energy industries including a Fuel Cell Application Centre centred on Wilton, focused on hydrogen and renewable energy. In addition subsection 'k' supports the development of renewable energy projects where they are compatible with surrounding uses and acceptable in environmental terms. Whilst the Project is not renewable, it is considered to be lower in emissions than traditional coal fired power stations and will be of higher efficiency than earlier CCGT technology. In addition within the post-text (pg 3.22) of CS4 it is stated '*the following challenges are identified that the Spatial Strategy for South Tees aims to address: To support the development of the steel, chemicals and energy industries and the port so that they can continue to be drivers of the Tees Valley economy*'. This clearly indicates an allowable use for energy development within South Tees, and also shows the compatibility of chemical and energy uses.

2.53 As stated above RCBC is currently preparing a 'New Local Plan' to replace the saved policies of the 1999 Local Plan and the above Development Plan Documents. Once adopted the Project Site will be within an area subject to Policy ED6 for the protection of employment areas. With regards to emerging

relevant planning policies it is noted that the new plan contains Policy LS4 which states an aim to “develop the chemical, technology and energy production industries at Wilton International.” This clearly indicates the Project Site is in an area which is important to local employment and there is a desire to develop further energy related developments at the Project Site.

## 2.5 *ADDITIONAL CONSENTS*

### 2.5.1 *The Environmental Permitting (England and Wales) Regulations 2016*

2.54 The Project will be required to comply with the Environmental Permitting Regulations 2016. PINS require a written indication from the Environment Agency (EA) that the EA can regulate the operational process, specifically in relation to atmospheric emissions (greenhouse gases under the Greenhouse Gas Emissions Trading Scheme Regulations 2012), noise and aqueous discharges. The EIA which is to accompany the DCO application will contribute to informing the permit application. The EA has confirmed that the Project will require an EP.

### 2.5.2 *Grid Connection*

2.55 Consent for connection will be required from National Grid. The location of the grid connection will be within the redline boundary of the plot utilising two existing National Grid substations.

## 2.6 *SUMMARY*

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

2.57 The DCO application will include a detailed assessment of the Project, taking account of the findings of the EIA as reported within the ES, against the relevant NPSs and other relevant policy documents such as the NPPF and local development plan.