



SCOPING OPINION:

Proposed Lighthouse Green Fuels Project

Case Reference: EN010150

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

01 September 2023



TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	OVERARCHING COMMENTS	3
2.1	Description of the Proposed Development	3
2.2	EIA Methodology and Scope of Assessment	6
3.	ENVIRONMENTAL ASPECT COMMENTS	10
3.1	Air Quality	10
3.2	Noise and Vibration	18
3.3	Terrestrial Ecology	20
3.4	Marine and Freshwater Ecology	23
3.5	Water Environment and Flood Risk	29
3.6	Landscape and Visual	31
3.7	Cultural Heritage	35
3.8	Greenhouse Gas	38
3.9	Climate Resilience	41
3.10	Material Assets and Waste	44
3.11	Socio-economics	47
3.12	Population and Human Health	50
3.13	Geology and Soils	55
3.14	Traffic and Transport	60
3.15	Major Accidents and Disasters	64
3.16	Marine Navigation	70
3.17	Cumulative Effects	72
 APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED		
 APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES		

1. INTRODUCTION

- 1.1.1 On 24 July 2023, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Lighthouse Green Fuels Limited (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Lighthouse Green Fuels Project (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.
- 1.1.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from the following links:
- Scoping Report Volume I – Main Text and Figures:
<http://infrastructure.planninginspectorate.gov.uk/document/EN010150-000006>
- Scoping Report Volume II – Appendices:
<http://infrastructure.planninginspectorate.gov.uk/document/EN010150-000007>
- 1.1.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.1.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 1.1.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.
- 1.1.6 The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including [Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping \(AN7\)](#). AN7 and its annexes provide guidance on EIA processes during the pre-

application stages and advice to support applicants in the preparation of their ES.

- 1.1.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- 1.1.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg on formal 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.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Section 2)

ID	Ref	Description	Inspectorate's comments
2.1.1	Paragraph 1.2.4	Off-gases	<p>It is stated that the Fischer-Tropsch (FT) process produces “<i>off-gases</i>”. The term off-gases is not defined within the Glossary and specific by-products of the FT process are not described. Although Table 5-3 provides a list of the metals and trace elements likely to be produced via the FT process, and Table 5-7 lists the likely significant air quality effects per component of the Sustainable Aviation Fuel (SAF) plant, there is no reference to off-gases.</p> <p>The ES should fully describe the FT process and any associated by-products, as well as any measures which are proposed to control these. Where significant effects are likely to occur from the production and combustion of off-gases, such as impacts on air quality, this should be appropriately assessed.</p>
2.1.2	Table 2-1 and Paragraph 2.2.29	Flares	<p>The Proposed Development includes multiple flares, up to 130m in height. It is understood (from the wording in paragraph 2.2.29) that multiple flares will be required for the operation of the Proposed Development whilst two additional flares are required for the SAF production process but only for “<i>emergency or abnormal operational scenarios</i>”. It is unclear what would constitute an emergency or abnormal scenario and the frequency these are likely to occur.</p> <p>The ES should clarify the types of gases to be flared and the frequency of use of the flares and ensure that this is reflected in any assessments of likely significant effects.</p>

ID	Ref	Description	Inspectorate's comments
2.1.3	Table 2-1	Column/ stack height	Various figures for the heights of the columns/ stacks in Table 2-1 are provided as approximate values – the ES should give the maximum heights for these structures.
2.1.4	Table 2-1	Miscellaneous tankage	The ES should clarify the proposed number of storage tanks and whether the parameters in Table 2-1 are for each tank or the totality of the storage facility.
2.1.5	Figure 2.2b	Flood Zones	The sketching of the Flood Zone mapping is unclear and indicates that the areas of the site are located within both Flood Zones 2 and 3. The ES should use a clear legend to facilitate interpretation of this figure. The ES should also differentiate between Flood Zones 3a and 3b.
2.1.6	Paragraph 2.2.5	Project components	Paragraph 2.2.5 lists the components of the Proposed Development however it is stated that this list is “ <i>not exhaustive</i> ”. The ES should describe all components of the Proposed Development and ensure the description is consistent with that provided within the DCO.
2.1.7	Figure 2-3	Process diagram	Figure 2-3 provides a helpful flow chart of the SAF process. The Inspectorate suggests that this is enhanced to include a full suite of inputs and outputs to the various processes to provide further clarity.
2.1.8	Paragraph 2.2.24	Bulk liquid storage	The Scoping Report anticipates that the final products will be stored in large scale bulk liquid storage tanks on a neighbouring tank farm to the east of the Site, and then be transferred to an off-site storage facility via pipelines. Figure 2-1 does not indicate the location of these storage facilities; this should be clearly presented in the ES.
2.1.9	Table 2-2 and paragraph 2.2.38	Marine transportation	The Scoping Report states that there are two options regarding the transportation via marine vessels, using either Wilton Engineering Wharf or Clarence Wharf. It is stated in paragraph 2.2.38 that these options are currently being explored and the preferred option(s) will

ID	Ref	Description	Inspectorate's comments
			<p>be confirmed within the ES. The ES should describe the main reasons for the option chosen and explain how the environmental effects have influenced the choice of option. The environmental effects considered should include any impacts to the marine environment, such as from additional piles and reinforcement required to utilise Clarence Wharf (as stated in Table 2-2).</p>
2.1.10	Paragraph 2.3.18 and 2.4.5	Offsite facilities	<p>The Scoping Report states that an offsite temporary construction worker site may be required but a location has not yet been identified. The temporary worker site will be converted into permanent off-site parking facilities for employees/ contractors. This should be included in the red line boundary and any potentially significant effects should be assessed within the ES.</p>
2.1.11	N/A	Water supply	<p>Table 19-4 states that "<i>a small amount of water would be required during construction and a constant supply will be required during operation</i>". Limited information is provided regarding the need for water supply during operation although paragraph 2.2.27 highlights that utility pipelines for raw and potable water are required.</p> <p>The ES should explain the need for a water supply within operation and provide estimates of the quantity of water required during construction and operation. The ES should also clarify where this water is proposed to be abstracted from and assess the implications of this for regional, national, and local water supply. It is also noted within Table 19-4 that during an event of water scarcity additional supplies could be transported via tanker. The ES should ensure that this scenario is assessed where relevant. The Applicant's attention is drawn to the consultation response from the Environment Agency (Appendix 2 of this Opinion) regarding the impacts of cooling water.</p>

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 3)

ID	Ref	Description	Inspectorate's comments
2.2.1	Paragraph 1.5.2	Scope and Scoping Table	<p>Paragraph 1.5.2 states that where further evidence justifies a change in the scope of the EIA this will be explained in the ES along with confirmation of whether this was agreed with relevant consultees.</p> <p>The Applicant's attention is drawn to paragraph 1.0.4 of this Opinion which states that matters may be subsequently scoped out if further evidence has been provided to justify this approach. It is advised that any subsequent refinement of scope should be agreed with relevant consultation bodies in writing, with evidence and a clear justification submitted as part of the ES.</p> <p>The Inspectorate advises the use of a table to set out the key changes in parameters/options of the Proposed Development presented in the Scoping Report to that presented in the ES. It is also advised that a table demonstrating how the matters raised in the Scoping Opinion have been addressed in the ES and/or associated documents is provided.</p>
2.2.2	Paragraph 2.2.11	Input waste material	<p>Paragraph 2.2.11 states that raw input waste material will be delivered to the neighbouring, existing, and operational Materials Recycling Facility (MRF). It is unclear whether these deliveries are intended to be considered as part of the operational parameters of the Proposed Development. The Inspectorate considers that should additional journeys (whatever the mode of transport) be made to supply the Proposed Development with inputs, then these journeys should be used to inform the ES and be considered in the assessment of operational traffic and associated effects.</p>

ID	Ref	Description	Inspectorate's comments
2.2.3	Paragraphs 2.2.11 and 2.2.12	Feedstock	Paragraph 2.2.11 states that the feedstock comprises pelletized solid recovered fuel (SRF) as well as additional waste biomass. The ES should provide further detail on the specific waste feedstock.
2.2.4	Paragraph 2.2.17	The Net Zero Teesside Project	<p>The Proposed Development proposes to connect to the Net Zero Teesside project (NZT). It is stated that it would be preferable for the Proposed Development to be connected to NZT from the start of operation. However, an alternative scenario of a delay of up to 5 years from the Proposed Development operational phase to the connection with NZT is assumed as a worst-case scenario to factor in start-up delays on NZT. The ES should explain why 5 years is considered a reasonable worst-case scenario regarding start-up delay.</p> <p>It is unclear what is proposed for the carbon dioxide (CO₂) emissions for this five-year period should there be delays to NZT. Furthermore, should NZT not gain development consent it is unclear what would happen to the produced CO₂.</p> <p>The ES should consider multiple options where there is uncertainty, particularly within the assessment of greenhouse gases. The ES should also assess the potential for cumulative effects with NZT, as well as other projects.</p>
2.2.5	Paragraph 2.3.2	Site preparation works	The Scoping Report notes that some site preparation works are being undertaken, anticipated to last from April 2023 to April 2024. The Report states that these would not be consented under the DCO but would be taken account of if required within the cumulative assessment. Given the that the works are expected to be completed by April 2024, the Inspectorate is unclear how these works would interact with the Proposed Development and suggests it would be more appropriate to consider the site clearance as part of the future baseline.

ID	Ref	Description	Inspectorate's comments
2.2.6	Paragraph 3.10.1	Assessment of heat and radiation	<p>The Applicant proposes to scope out an assessment of heat and radiation as no significant sources of such emissions are anticipated.</p> <p>The Inspectorate is content that emissions of heat and radiation are likely to be minimal based on the characteristics of the Proposed Development, particularly as heat recovery steam generators are proposed. This matter can therefore be scoped out. However, in line with Schedule 4 of the EIA Regulations the ES should include an estimate by type and quantity of expected emissions including heat, radiation, and light emissions.</p>
2.2.7	Paragraph 3.10.1	Assessment of light emissions	<p>It is unclear from the wording within this paragraph whether an assessment of light emissions is proposed to be scoped out or not. Elsewhere the Scoping Report identifies construction and operational light spill as a potential impact on terrestrial and aquatic ecological receptors.</p> <p>For the avoidance of doubt in the absence of a detailed lighting strategy for either construction or operation the Inspectorate is not content to scope this matter out at this stage. The ES should describe the proposed lighting strategy, provide estimates of the expected light emissions, and assess the likely significant effects where these are likely to occur (such as on ecological receptors).</p>
2.2.8	N/A	Decommissioning phase	<p>Several of the aspect chapters of the Scoping Report do not refer to the decommissioning phase. The ES should assess the potential for likely significant effects for all stages of the Proposed Development (construction, operation, and decommissioning) or provide sufficient justification for why this is not required in relation to the absence of likely significant effects.</p>
2.2.9	N/A	Deemed Marine Licence	<p>The adjacent River Tees is noted to be a tidal river at the point where it passes the Proposed Development site boundary. The Proposed</p>

ID	Ref	Description	Inspectorate's comments
			<p>Development may require a Deemed Marine Licence as part of the DCO. The Applicant is advised to engage with the Marine Management Organisation (MMO) regarding marine licensing, although it is noted in paragraph 3.2.1 of the Scoping Report that consultation with the MMO is proposed. The Applicant's attention is drawn to the consultation response from the MMO in this regard (Appendix 2 of this Opinion).</p>
2.2.10	N/A	Transboundary	<p>The Inspectorate on behalf of the SoS has considered the Proposed Development and concludes that the Proposed Development is unlikely to have a significant effect either alone or cumulatively on the environment in a European Economic Area State. In reaching this conclusion the Inspectorate has identified and considered the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts.</p> <p>The Inspectorate considers that the likelihood of transboundary effects resulting from the Proposed Development is so low that it does not warrant the issue of a detailed transboundary screening. However, this position will remain under review and will have regard to any new or materially different information coming to light which may alter that decision.</p> <p>Note: The SoS' duty under Regulation 32 of the 2017 EIA Regulations continues throughout the application process.</p> <p>The Inspectorate's screening of transboundary issues is based on the relevant considerations specified in the Annex to its Advice Note Twelve, available on our website at http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/</p>

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Air Quality

(Scoping Report Section 5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	Table 5-9	Syngas compression and clean-up	<p>The Applicant proposes to scope this matter out on the basis that this is a closed process and there are no emissions points between the input from the previous process and output to the following process.</p> <p>Paragraph 2.2.12 states that by-products of syngas conversion including particulate matter, ammonia, and sulphur are removed from the syngas. It is unclear where these gases would be removed to and therefore whether there is potential for these to be emitted to air. On the basis of the information provided the Inspectorate is not in a position to scope this matter out at this stage. The ES should assess the potential for likely significant effects to occur or demonstrate the absence of a likely significant effects e.g., through appropriate design measures.</p>
3.1.2	Table 5-9	Fischer-Tropsch (FT) synthesis	<p>The Applicant proposes to scope this matter out on the basis that this is a closed process and there are no emissions points between the input from the previous process and output to the following process.</p> <p>Figure 2-3 and paragraph 2.2.15 states that by-products of the FT process would be recycled and used in the integrated combined cycle gas turbine (CCGT) power plant for power generation.</p> <p>The Inspectorate has considered the characteristics of the Proposed Development and is content that, based on the closed process, significant effects from emissions to air are unlikely to occur and therefore this matter can be scoped out of further assessment.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.3	Table 5-9	Upgrading	<p>The Applicant proposes to scope this matter out on the basis that this is a closed process and there are no emissions points between the input from the previous process and output to the following process.</p> <p>Table 5-7 states that it is assumed that this would be a sealed vessel; however, this phrasing suggests this is uncertain. It is also noted that there is potential for NO_x emissions from the fractionator heater exhausts, although it is noted that measures are proposed to reduce emissions (namely the use of Selective Catalytic Reduction).</p> <p>Based on the information provided it is unclear whether a sealed vessel is confirmed. Furthermore, there is potential for exhaust emissions to occur. Specific quantities of Nitrogen oxides (NO_x) emissions are not provided. The Inspectorate does not agree to scope this matter out based on the information provided. The ES should include an assessment of this matter, or evidence of agreement with the relevant consultation bodies that this matter can be scoped out and the absence of a likely significant effect.</p>
3.1.4	Table 5-9	Utilities	<p>The Applicant proposes to scope this matter out on the basis that no emissions are expected. No further justification is provided.</p> <p>The Inspectorate understands that 'utilities' in this context refers to the pipelines required for the transportation of heat and power, gaseous oxygen, nitrogen, SAF, Green Naphtha, carbon dioxide (CO₂), and natural gas etc., as described in paragraph 2.2.27.</p> <p>The Inspectorate is content that emissions to air are likely to be minimal under a normal mode of operation and therefore is content to scope this matter out. However, the ES should describe the design measures in place to limit the leakage of emissions to air and/or any measures in place during an abnormal mode of operation, such as</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			during an emergency procedure, which would limit the emissions to air. The Applicant is referred to ID 3.1.18 below.
3.1.5	Table 5-9	Wastewater Treatment Plant	<p>The Applicant proposes to scope this matter out on the basis that effluent streams would be treated in a covered and sealed treatment plant and therefore there is no potential for emissions to air including odour.</p> <p>The Inspectorate is content to scope this matter out of further assessment on the basis that effluent would be within a covered and sealed plant. However, the ES should provide detail on the effluent streams and the measures in place to limit the potential for emissions to air including odour.</p>
3.1.6	Table 5-9	Surface water pond	<p>The Applicant proposes to scope out this matter on the grounds that the surface water pond is proposed to collect uncontaminated surface water and therefore no odour emissions are expected.</p> <p>On the basis that the surface water pond would be used for uncontaminated surface water only, the Inspectorate considers that significant effects from odour emissions are unlikely to occur and therefore agrees that this matter can be scoped out of further assessment.</p>
3.1.7	Table 5-9	Sub-stations and ancillary equipment	<p>The Applicant proposes to scope out this matter on the basis that no emissions are expected unless backup generators are present.</p> <p>No further details regarding the backup generators are provided, such as fuel type, number of generators, and likelihood of usage. On this basis the Inspectorate does not agree to scope this matter out at this stage.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.8	Table 5-9	Maintenance and laydown areas (TAR 1 & 2)	<p>The Applicant proposes to scope out this matter on the basis that no emissions are expected.</p> <p>Based on the characteristics of these components of the Proposed Development (namely the areas for receipt, storage, and assembly of construction equipment, components, and materials as stated in Table 2-1) the Inspectorate agrees that significant effects resulting from emissions to air are unlikely and therefore this matter can be scoped out of further assessment. However, the ES should describe any best practice measures in place regarding the storage of materials to limit the potential for dust emissions.</p> <p>The acronym 'TAR' is not included within the Scoping Report Glossary; for clarity this should be defined in the ES.</p>
3.1.9	Table 5-9	Feedstock silos	<p>The Applicant proposes to scope this matter out on the basis that the feedstock is odourless. The Inspectorate is content that this matter can be scoped out of further assessment subject to further details regarding the feedstock being provided within the ES; see ID 2.2.3 above.</p>
3.1.10	Table 5-9	Marine transport infrastructure – operation	<p>The Applicant proposes to scope this matter out on the basis that emissions from marine traffic are likely to be small and impacts limited to <i>"a limited number of human receptors and habitats in the Tees Estuary"</i>. As stated in paragraphs 20.7.2 and 20.7.3, operational marine movements are still be investigated and agreed. In the absence of further details on operational marine traffic movements the Inspectorate is not in a position to scope this matter out at this stage. The ES should include an assessment of this matter, or evidence demonstrating agreement with the relevant consultation bodies that this matter can be scoped out of assessment and the absence of a likely significant effects.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.11	Paragraph 5.8.12	Detailed assessment of operational traffic emissions	<p>The Scoping Report states that a detailed assessment of operational traffic emissions will not be undertaken as traffic numbers are unlikely to exceed relevant thresholds. A qualitative assessment is proposed instead.</p> <p>Indicative operational traffic numbers are not provided within the Scoping Report. The ES must present the worst-case scenario for traffic movements and either demonstrate that these are below the relevant threshold which would trigger the requirement for further assessment or, where these movements are above the relevant threshold, provide a detailed assessment of air quality impacts or evidence of agreement with the relevant consultation bodies.</p>

ID	Ref	Description	Inspectorate's comments
3.1.12	Paragraphs 5.3.2 and 5.4.8	Study area for human receptors	<p>Paragraph 5.3.2 states that a 2km study area will be used for discrete predictions whilst a <i>"receptor grid out to 10km will be used in order to establish where the limits to impacts may lie"</i>. It is unclear on what basis the 2km and 10km study areas for human receptors have been proposed. The ES should justify the study area(s) used in line with relevant guidance, modelling, and/or agreement from relevant stakeholders.</p>
3.1.13	Paragraphs 5.4.2 and 5.4.42	Baseline	<p>Paragraph 5.4.42 states that air quality monitoring will also be completed to characterise the baseline conditions but the pollutants to be monitored are not provided. The ES should characterise the baseline environment for each of the pollutants the Proposed Development would produce, including amines and their derivatives where possible.</p>

ID	Ref	Description	Inspectorate's comments
			Effort should be made to agree the suitability of baseline monitoring with the relevant consultation bodies and evidence of this should be provided within the DCO application.
3.1.14	Paragraphs 5.7.6 and 5.9.14	Cumulative assessment	<p>The Scoping Report states that the cumulative emissions are assumed to be the same as that for operational phase emissions. It is stated that emissions data from neighbouring industrial processes is not expected to be available and therefore will not be included within the cumulative assessment, however it is assumed that these emissions would be included within the Defra pollutant backgrounds.</p> <p>The Inspectorate is content that existing operational industrial processes in the vicinity of the Proposed Development would be accounted for within the background air quality mapping. However, projects not yet consented and/or constructed should be considered within the cumulative assessment, including the NZT Project which the Proposed Development is proposing to connect to if consented. The Applicant should seek agreement from the local planning authorities (LPAs) regarding the other plans and projects to be included within the cumulative assessment.</p>
3.1.15	Paragraphs 5.8.2 and 5.10.1	Dispersion modelling	<p>Paragraph 5.8.2 states that "<i>where traffic data can be supplied for construction vehicles on the public highway and marine traffic on the River Tees</i>" this will be screened against criteria set out in guidance.</p> <p>The wording of this phrase implies traffic data may not be supplied and therefore emissions from traffic would not be screened. Paragraph 5.10.1 states that screening of construction traffic assumes the timely and accurate provision of traffic flow data. It is unclear what methodology is proposed should this data not be provided.</p> <p>For the avoidance of doubt, the ES should assess the likely significant effects of construction traffic on air quality should the anticipated traffic levels exceed thresholds set out within relevant guidance.</p>

ID	Ref	Description	Inspectorate's comments
			Where uncertainty exist in the final type and quantity of construction vehicles to be used, a worst-case scenario should be used.
3.1.16	Paragraphs 5.6.1, 5.9.1, and 5.9.2	Dust mitigation	<p>The Scoping Report states that it is expected the impacts from construction dust "<i>should be negligible and not significant</i>" following the implementation of appropriate mitigation measures as determined by the dust risk assessment.</p> <p>Paragraph 5.6.1 provides typical mitigation measures for the construction phase. The Inspectorate would expect to see an outline dust mitigation plan and/or outline Construction Environmental Management Plan, which outlines the relevant mitigation measures, to be submitted as part of the application documents. The ES should appropriately cross-reference to mitigation measures within other management plans where appropriate.</p>
3.1.17	Paragraph 5.9.10	Odour assessment	<p>The wording within paragraph 5.9.10 implies that an odour assessment may be required. It is not clear what elements of the Proposed Development are likely to produce odour. Paragraph 5.9.10 refers to "<i>odour-emitting plant or equipment</i>" however Table 5-9 proposes to scope out impacts from the feedstock silos, wastewater treatment, and the surface water pond on the basis that they are odourless. It is unclear how the decision whether to conduct an odour assessment would be taken.</p> <p>The ES should provide estimates of the type and quantities of expected residues and emissions in line with Schedule 4 of the EIA Regulations. Likely significant effects should be assessed where these are likely to occur.</p>
3.1.18	N/A	Leakage	Table 5-9 (specifically the 'Marine Transport Infrastructure' box) refers to " <i>evaporation of vapours during product transfer</i> " however no further detail is provided on this. The ES should assess the potential

ID	Ref	Description	Inspectorate's comments
			for leakage of emissions to air across the whole process, as well as the risks and implications thereof to air quality.

3.2 Noise and Vibration

(Scoping Report Section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	Paragraphs 6.7.3 and 6.8.9 and Table 6-2	Vibration from construction traffic	The Applicant proposes to scope out impacts from vibration generated by construction traffic on the local road network. The justification provided is that the construction traffic vehicles would be similar to the vibration caused by any other vehicles that could legally use the route. The Inspectorate agrees that construction vehicles are unlikely to lead to significant vibration effects and agrees that this matter can be scoped out of the ES.
3.2.2	Paragraph 6.7.6 and Table 6-2	Noise and vibration from commercial and fixed plant – operation	The Applicant proposes to scope out this matter on the basis that fixed plant and equipment are not anticipated to be located within the specified 500m study area for noise or 100m study area for vibration. On the basis that the location of the fixed plant and equipment is not yet confirmed, the Inspectorate does not agree to scope these matters out at this stage. Accordingly, the ES should include an assessment of these matters, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.
3.2.3	Paragraph 6.7.6 and Table 6-2	Changes in road traffic noise – operation	The Applicant proposes to scope out this matter on the basis that traffic flows are anticipated to be minimal. The Scoping Report does not provide indicative traffic numbers likely to be used during the operational phase, but paragraph 2.2.12 states that feedstock may be transferred by road. See also ID 2.2.2 in this regard. The Inspectorate does not agree to scope this matter out at this stage. The ES should assess the potential for traffic generated by the Proposed Development to lead to noise effects at sensitive receptors or demonstrate that significant effects would not occur based on

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			traffic numbers being below established thresholds set out within guidance.

ID	Ref	Description	Inspectorate's comments
3.2.4	Paragraph 6.7.4 and Table 6-2	Rail noise impacts	<p>There is inconsistency within this Section of the Scoping Report. It is stated in one row of Table 6-2 that the operation of the rail terminal would be unlikely to lead to significant noise effects based on the separation distance (of 800m) and the existing noise environment at sensitive receptors. However, it is also stated elsewhere in Table 6-2 and within paragraph 6.7.4 that rail noise from the operation of the Proposed Development is proposed to be scoped in due to the possibility of a significant effect.</p> <p>For the avoidance of doubt, the ES should assess the potential for likely significant effects resulting from the operation of the Proposed Development, including the use of the rail terminal or provide adequate justification that significant effects are unlikely to occur.</p>
3.2.5	N/A	Rail vibration impacts	Table 6-2 indicates that noise impacts arising from operational rail movements are proposed to be assessed however there is no indication that vibration impacts would be assessed. The ES should assess the potential for rail movements to lead to significant effects in terms of vibration.
3.2.6	N/A	Decommissioning phase	No reference is made to the decommissioning phase within this Section of the Scoping Report. The ES should assess likely significant effects during the decommissioning phase where these are likely to occur.

3.3 Terrestrial Ecology

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	Table 7-8	Local statutory designated sites	<p>The Applicant proposes to scope out impacts to the local statutory designated site Berwick Hills Local Nature Reserve (LNR) which is located 1.7km to the south. It is stated that the LNR is located on the opposite side of the River Tees to the Proposed Development site and therefore there is a lack of connectivity between the LNR and the Proposed Development site.</p> <p>The Inspectorate is content to scope out impacts resulting from noise, vibration, lighting, or visual disturbance to this LNR on the basis that the separation distance means significant effects are unlikely to occur. However, the ES should assess the potential for habitat degradation to occur from emissions to air.</p>
3.3.2	Table 7-8	Bats	<p>The Applicant proposes to scope out impacts to bats on the basis that there is limited roosting potential due to the industrial usage of the site and surrounding buildings and the limited vegetation on site.</p> <p>It is stated that there are some suitable areas beyond the site that may offer commuting and foraging habitats however it is also stated that these are "<i>not expected to be directly affected</i>". No further information is provided, such as the distance of these potentially suitable habitats from the Proposed Development site or how these habitats would not be directly affected. Furthermore, bat surveys have not been conducted as part of the Interim Ecological Information Report (Appendix 7-A of the Scoping Report) and so the presence/absence of commuting, foraging, or roosting bats has not been confirmed.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>It is also stated that standard mitigation measures would be incorporated to minimise the impacts on foraging and commuting bats which suggests there is some potential for significant effects should mitigation not be secured and implemented.</p> <p>In the absence of bat surveys confirming the presence or absence of bats utilising the Proposed Development site, the Inspectorate is not content to scope this matter out at this stage. The ES should assess the potential for likely significant effects to occur on bat species or demonstrate the absence of a likely significant effect based on survey results and/or agreement from relevant consultation bodies.</p>

ID	Ref	Description	Inspectorate's comments
3.3.3	Paragraphs 7.4.2 and 7.4.3 and Table 7-2	Study area	<p>Table 7-2 of the Scoping Report proposes a 10km study area for internationally designated sites and 2km for nationally and non-statutory designated sites.</p> <p>It is unclear how these Zone of Influence (ZOI) have been established. Table 1 within Appendix 5-A of the Scoping Report lists the 'Scoped in Designated Nature Conservation Sites', many of which are located beyond the study areas defined within Table 7-2 of the Scoping Report. Furthermore, paragraph 5.3.5 of the Scoping Report states that a "conservative study area of 15km" is applied for ecological receptors in relation to impacts from air quality.</p> <p>The ES should clarify the methodology for determining the project's ZOI based on the potential for likely significant effects rather than being based on a fixed distance. The ES should be clear on whether the designated sites listed within Table 1 within Appendix 5-A of the Scoping Report are scoped into the assessment. The ES should ensure a consistent approach has been applied for assessing impacts</p>

ID	Ref	Description	Inspectorate's comments
			on ecological receptors within each aspect chapter of the ES. Effort should be made to agree the study area(s) with relevant consultation bodies.
3.3.4	N/A	Confidential Annexes	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.

3.4 Marine and Freshwater Ecology

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	Table 8-9	Interest features of Teesmouth and Cleveland Coast SSSI – operation	<p>It is stated that only impacts to breeding harbour seals are proposed to be assessed within the ES for the operational phase. The other interest features of the SSSI (namely saltmarshes and invertebrates inhabiting sand dunes) are proposed to be scoped out due to distance from the Proposed Development site. Figure 2.2e shows the location of saltmarshes and sand dunes in relation to the Proposed Development site.</p> <p>Considering the potential for an air pollution impact pathway to exist the Inspectorate is not content to scope this matter out based on distance from the Proposed Development. The Applicant's attention is drawn to the consultation response from Natural England (Appendix 2 of this Opinion) which highlights that coastal dune and grassland habitats are sensitive to air quality impacts.</p> <p>Furthermore, it is highlighted (in paragraph 9.5.14) that water quality impacts are affecting the Teesmouth and Cleveland Special Protected Area (SPA) and Ramsar site. The boundaries for these sites overlap with the SSSI, therefore it is unclear whether there is potential for significant effects to occur to the other interest features of the SSSI.</p> <p>The ES should assess the potential for likely significant effects to occur on all interest features of the Teesmouth and Cleveland Coast SSSI or the evidence to demonstrate the absence of a likely significant effect such as agreement from relevant consultation bodies.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.2	Table 8-9	Interest features of Teesmouth National Nature Reserve (NNR) – operation	<p>Impacts to grey seals and harbour seals are proposed to be assessed within the ES however other features of the NNR (namely sand dunes, grazing marsh, intertidal sands and mudflats) are proposed to be scoped out due to the distance from the Proposed Development site and lack of hydrological connectivity. However, it is stated elsewhere in the Scoping Report (e.g. paragraph 8.5.8) that the Proposed Development site is hydrologically connected to the Teesmouth NNR.</p> <p>Although the NNR is located 970m from the Proposed Development site (as stated in Table 8-3), based on the hydrological connectivity it is unclear whether there is potential for significant effects to occur. As such the Inspectorate is not content to scope this matter out of further assessment at this stage. There is also the potential for interest features of this NNR to be impacted through changes in air quality and deposition of pollutants. The Applicant's attention is drawn to the consultation response from Natural England (Appendix 2 of this Opinion) which highlights that coastal dune and grassland habitats are sensitive to air quality impacts. The ES should assess the potential for likely significant effects to occur on all interest features of the Teesmouth NNR or provide the evidence to demonstrate the absence of a likely significant effect.</p>
3.4.3	Table 8-9	Phytoplankton	<p>The Applicant proposes to scope out impacts to phytoplankton on the basis that standard mitigation measures would be incorporated in relation to water quality to minimise the impact to phytoplankton.</p> <p>Paragraph 8.5.35 states that phytoplankton taxa which cause harmful algal blooms and fish mortality are present within the Tees Estuary.</p> <p>No details regarding the standard mitigation measures are provided within the Scoping Report. On the basis of the information provided the Inspectorate is not in a position to scope this matter out at this</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>stage. Furthermore, since phytoplankton species are present within the Tees Estuary (albeit harmful species) there is potential that the Proposed Development could lead to significant effects in the absence of mitigation measures. The ES should assess the potential for likely significant effects to occur on phytoplankton or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.</p>
3.4.4	Table 8-9	Marine plants and macroalgae	<p>The Applicant proposes to scope out impacts to marine plants and macroalgae on the basis that standard mitigation measures would be incorporated in relation to water quality. Impacts to saltmarsh and native seagrass habitats are ruled out due to distance of these habitats from the Proposed Development. The location of coastal saltmarsh is shown on Figure 2.3a. The specific location of native seagrass habitats are not provided however paragraph 8.5.37 states that restoration projects are taking place approximately 5km downstream.</p> <p>Considering saltmarsh is an interest feature of internationally and nationally designated sites within the Tees Estuary the Inspectorate would expect this impact pathway to be assessed within the ES.</p> <p>Paragraph 8.5.36 states that "<i>data regarding marine plants and macroalgae in the Study Area is limited</i>". In the absence of further information including the specific location of habitats and proposed mitigation measures for reducing impacts to water quality, the Inspectorate is not in a position to scope this matter out at this stage. The ES should assess the impact of the Proposed Development on marine plants and macroalgae during construction and operation, particularly operational impacts resulting from nitrogen loading from wastewaters or the information demonstrating agreement with the relevant consultation bodies and the absence of a likely significant</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			effect. The Applicant's attention is drawn to Environment Agency's consultation response (Appendix 2 of this Opinion) in this regard.
3.4.5	Table 8-9	Marine mammals in Greater North Sea Ecoregion	<p>Impacts to harbour seals, grey seals, and harbour porpoises are proposed to be assessed within the ES due to their presence within the Tees Estuary. Other marine mammals within the Greater North Sea Ecoregion (namely minke whale, bottlenose dolphin, white-beaked dolphin, orca, Atlantic white-sided dolphin, long-finned pilot whale, Risso's dolphin, and short-beaked common dolphin) are proposed to be scoped out due to their unlikely presence in the estuary.</p> <p>Considering the nature of these species and the location of the Proposed Development site the Inspectorate is content to scope this matter out of further assessment on the basis that significant effects are unlikely to occur.</p>

ID	Ref	Description	Inspectorate's comments
3.4.6	Tables 8-2 and 8-3 and paragraph 8.5.8	Study area	<p>Table 8-2 describes the ZOI for freshwater and marine receptors. A study area of 10km is used for internationally designated sites and 2km for nationally and locally designated sites, with these areas extending if designated features are highly mobile.</p> <p>Table 8-3 lists the nationally designated sites within 2km of the site, namely Teesmouth and Cleveland Coast SSSI and Teesmouth NNR. Paragraph 8.5.8 states that Berwick Hills LNR is the only locally designated site located within 2km of the site.</p> <p>It is unclear how the ZOI presented in Table 8-2 have been defined. Paragraph 9.5.11 of the Water Environment and Flood Risk section of the Scoping Report states that Seaton Dunes and Common SSSI and LNR is hydrologically connected to the Proposed Development site.</p>

ID	Ref	Description	Inspectorate's comments
			<p>This site is located approximately 4.5km downstream of the Site albeit outside of the ZOI.</p> <p>The ES should assess likely significant effects to all designated sites where an impact pathway (such as due to hydrological connectivity) exists. The ZOI should be defined by the extent of likely significant effects rather than being based on a fixed distance.</p>
34.7	Paragraphs 8.5.13, 8.7.3, 8.10.21, 8.11.4, and 8.11.5	Surveys	<p>Paragraph 8.11.4 states that "<i>ecological data is usually valid for 18 months</i>" and paragraph 8.11.5 states that "<i>survey data will provide a snapshot of the ecological baseline at the time of the survey</i>". Some of the desk-based data gathered from the Environment Agency's Ecology and Fish Data Explorer relies on surveys conducted more than 18 months ago, including surveys conducted in 2015. Although it is noted (in paragraphs 8.7.3 and 8.10.21) that additional surveys may be conducted, the wording suggests these surveys are not certain.</p> <p>The ES should ensure a robust baseline has been established based on up-to-date data wherever possible. The Applicant should seek agreement from relevant consultees regarding the scope and detail of surveys.</p>
34.8	Section 8.8	Impact pathways	<p>The Scoping Report lists the potentially significant effects during the construction and operation phases but does not refer to the potential for changes in air quality and deposition of pollutants. This impact pathway should be assessed where there is the potential for likely significant effects.</p>
34.9	Paragraph 8.10.22	Marine mammal surveys	<p>It is noted in paragraph 8.10.22 that marine mammal surveys are proposed "<i>if marine works are required</i>". The wording of this phrase suggests that surveys may not be conducted. Considering the Proposed Development proposes to utilise marine transport during construction, operation, and decommissioning the ES should ensure</p>

ID	Ref	Description	Inspectorate's comments
			that the baseline is sufficiently robust to allow an assessment of likely significant effects. Effort should be made to agree the extent and scope of surveys.

3.5 Water Environment and Flood Risk

(Scoping Report Section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.5.2	Paragraph 9.8.3	Decommissioning	It is stated that potential impacts during decommissioning are considered to be the same as during the construction phase. The basis for this assumption is unclear considering decommissioning is proposed to take place up to 30 years in the future. The ES should assess the potential for effects on the water environment based on future scenarios which consider climate changes or provide justification as to why decommissioning impacts would be the same as during construction when considering the baseline environment.
3.5.3	Paragraph 9.9.4	Methodology	<p>A qualitative assessment of potential impacts to surface water and groundwater receptors is proposed which is stated to "<i>broadly follow</i>" the Design Manual for Roads and Bridges (DMRB) guidance. It is stated that no water quality sampling is proposed at this time. Considering the methodology set out within the DMRB guidance (specifically DMRB Volume 11 Section 3 Part 10 (LA 113)) is aimed at road schemes (as noted in paragraph 9.4.1 of the Scoping Report), the ES should justify the suitability of this methodology or identify another methodology. The Applicant should seek to agree the methodology with relevant consultees.</p> <p>Impacts to water quality from pollution incidents are highlighted as potential impacts for both the construction and operation phases (as stated in paragraphs 9.8.1 and 9.8.2 and Table 9-7). The ES should</p>

ID	Ref	Description	Inspectorate's comments
			justify the approach used and ensure that the baseline is sufficiently robust to allow the assessment of significant effects to be undertaken.
3.5.4	Paragraph 9.9.18	Construction phase drainage	It is stated that the management of surface water flood risk during construction will not be discussed in the Flood Risk Assessment (FRA) or drainage strategy report but will instead form part of the Code of Construction Practice (CoCP). The Inspectorate is broadly content with this approach however the ES should describe the specific measures in place to reduce the likelihood of impacts from surface water flooding during construction, cross-referencing to other documents where appropriate.
3.5.5	N/A	Wastewater treatment	The Environment Agency highlights in its response (Appendix 2 of this Opinion) that the flows of trade effluent to Bran Sands Wastewater Treatment Plant (WWTP) are subject to agreement with Northumbrian Water. Should the use of Bran Sands WWTP not be agreed the ES should include an assessment of any alternative arrangement for effluent discharge and assess the associated impacts.

3.6 Landscape and Visual

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	Table 10-3	Changes to Landscape Character Areas (LCAs) – construction and operation	<p>The Applicant proposes to assess changes to East Billingham to Teesmouth LCA, however changes to other LCAs are proposed to be scoped out. It is stated that outside of the East Billingham to Teesmouth LCA only very limited extents of the other LCAs fall within the 2km study area and visibility is limited by distance, intervening built form, and vegetation.</p> <p>Given that the Proposed Development is sited within an already industrialised landscape, and there is limited visibility from the LCAs falling on the periphery of the 2km study area, the Inspectorate agrees to scope these matters out of further assessment.</p>
3.6.2	Table 10-3	Visual receptors beyond 2km	<p>The Applicant proposes to scope out visual receptors beyond 2km. It is stated that the 2km study area determined through desktop study and site visit is deemed appropriate to the type of development.</p> <p>The ZTV suggests theoretical visibility well beyond the 2km study area, and the site visits were undertaken during the summer months and therefore do not represent a worst case. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not able to agree to scope these matters from the assessment at this stage. Accordingly, the ES should include an assessment of these matters or information demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.</p>
3.6.3	Paragraph 10.8.12	Receptors with negligible level effect at Year 1	The Scoping Report states that receptors with a negligible level effect at Year 1 will not be assessed further on the basis that Year 1

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>represents the worst-case scenario for operation. However, paragraph 10.4.18 states that climatic changes could influence the future baseline in relation to species abundance and distribution. This therefore highlights the potential for the future baseline to be different from that assessed at Year 1. The potential changes in the future baseline mean that likely significant effects cannot be excluded and therefore the Inspectorate is not in a position to scope this matter out at this stage. Accordingly, the ES should include an assessment of these matters, or the evidence demonstrating the absence of a likely significant effect. The ES should also outline any mitigation measures in place to limit the likelihood of significant effects resulting from climatic changes, such as the selection of vegetation type.</p>

ID	Ref	Description	Inspectorate's comments
3.6.4	Figure 10.3	National Landscape Character Area (NCA)	<p>Figure 10-3 shows that the site is located within the NCA 23 Tees Lowlands however it is not clear whether impacts on this area are proposed to be assessed; Table 10-3 only refers to LCAs. The ES should consider the potential for the Proposed Development to impact on the NCA and report any likely significant effects.</p>
3.6.5	Table 10-2 and paragraph 10.8.5	Viewpoints and photomontages	<p>Table 10-2 lists the preliminary viewpoint locations. Only eight viewpoint locations are suggested, with the furthest being 1470m from the site. Paragraph 10.8.5 states that annotated photo-panoramas would be provided for all viewpoints, but photomontages would only be provided for up to three viewpoints. It is stated that the requirement for photomontages will be determined in consultation with the LPAs.</p>

ID	Ref	Description	Inspectorate's comments
			<p>The Applicant should ensure that an adequate number of viewpoints and photomontages are included within the assessment to ensure that the maximum visual envelope is able to be fully understood. The Applicant should also consider the potential for long-distance views. The Inspectorate acknowledges the Applicant's intention to agree viewpoint and photomontage locations with relevant stakeholders. Evidence of any agreement reached should be provided as part of the application documentation.</p>
3.6.6	Paragraph 10.7.3	Night-time assessment	<p>The Proposed Development is proposed to operate on a 24-hour basis and paragraph 10.7.3 states that 24-hour operational lighting has the potential to result in likely significant landscape and visual effects. The ES should assess night-time effects and consider the use of night-time photomontages.</p>
3.6.7	Paragraph 10.9.1	Scale and massing	<p>The Scoping Report states that the exact heights and massing of the Proposed Development are not yet confirmed and so the proposed 2km study area and viewpoint locations may be subject to change. It is stated that "<i>these changes would be agreed and confirmed as part of the EIA Scoping Opinion prior to the commencement of the assessment</i>". It should be noted that there is no route to alter the Scoping Opinion once it has been adopted other than requesting another Scoping Opinion. In the Inspectorate's view this is only likely to be worth pursuing in the event that the description of the Proposed Development changes materially from that described in the Scoping Report. The Applicant is advised to seek agreement with relevant consultation bodies as to the appropriate extent of the study area and location of viewpoints. If uncertainty remains as to the exact height and massing of the Proposed Development, the assessment should be based on the worst-case scenario for landscape character and visual amenity impacts.</p>

ID	Ref	Description	Inspectorate's comments
3.6.8	Paragraph 10.9.1	Photography	The Scoping Report states that photography used to inform the assessment to date has been undertaken in May. It is stated that any further viewpoints will be taken during the winter months where required. The ES should assess a worst-case scenario and therefore winter photography should be used, or justification should be provided as to why the use of photography from the summer season is appropriate.

3.7 Cultural Heritage

(Scoping Report Section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.7.1	Table 11-2	Buried heritage assets	<p>The Applicant proposes to scope out impacts from construction on buried heritage assets on the basis that any buried assets within the site would have already been significantly truncated or entirely removed by previous development. It is noted (in paragraph 11.2.2) that the site was previously considered to have low archaeological potential, and this was agreed by Stockton-on-Tees Borough Council.</p> <p>Paragraph 11.7.1 states that a CoCP will be implemented. This CoCP will include appropriate mitigation strategies including the monitoring of intrusive ground works by heritage specialists to identify any previously unrecorded heritage assets.</p> <p>In light of the above, the Inspectorate is content that this matter can be scoped out of further assessment.</p>
3.7.2	Table 11-2	Designated and non-designated heritage assets outside of the site – assets whose setting includes the Proposed Development site	<p>The Applicant proposes to scope out construction and operation impacts on heritage assets whose setting includes the Proposed Development site (namely Grade II* listed Transporter Bridge (NHLE 1139267); Piers, railings and gates at the entrance of the Transporter Bridge (NHLE 1139846); Winch House, adjoining railings, wall, gates and gate piers c. 40m southwest of the Transporter Bridge (NHLE 1139847); and Bridgekeepers House (NHLE 1139848). The reasoning provided is that the Proposed Development is consistent with the industrial character of their setting and therefore significant effects are unlikely.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>The Scoping Report states that the settings of these assets relate to the Transporter Bridge, built in the early twentieth century, and are considered "<i>industrial in nature</i>" (as stated in paragraph 11.8.2).</p> <p>Limited further information is provided regarding the settings of these assets, and it is unclear how the introduction of the Proposed Development as a modern industrial plant could interact with their heritage setting. On the basis of the information provided the Inspectorate does not agree to scope this matter out. The ES should assess the potential for the Proposed Development to impact on the setting of these heritage assets or demonstrate the absence of a likely significant effect with agreement from relevant consultation bodies.</p>
3.7.3	Table 11-2	Designated and non-designated heritage assets outside of the site – assets whose setting does not include the Proposed Development site	<p>The Applicant proposes to scope out assets within the study area whose settings do not include the Proposed Development site (24 Grade II listed assets and the Grade II* listed Dock Clock Tower, as stated in paragraph 11.5.5) on the basis that no change within their settings is predicted as these do not include the Proposed Development site. It is unclear whether the Harverton Hill and Port Clarence War Memorial is included within the Grade II listed assets however paragraph 11.8.3 also rules out significant effects on the basis that the Proposed Development site is not included within its heritage setting.</p> <p>The Inspectorate is content that this matter may be scoped out of further assessment as significant effects are unlikely to occur based on the lack of connectivity between the Proposed Development site and the heritage asset settings.</p>

ID	Ref	Description	Inspectorate's comments
3.7.4	N/A	Decommissioning	This Section of the Scoping Report does not mention potential impacts during decommissioning. The ES should consider the potential for impacts to heritage assets from decommissioning works, particularly should the future baseline change, and outline measures in place which would limit these, such as an outline Decommissioning Plan.

3.8 Greenhouse Gas

(Scoping Report Section 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.8.1	Table 12-6	Emissions from disposal of waste – construction	The Applicant proposes to scope out greenhouse gas (GHG) emissions arising from the disposal of waste during construction on the basis that these are not expected to be large as the waste will mostly be inert. The Inspectorate is content that this matter can be scoped out of further assessment on the basis that a significant effect is unlikely. However, the ES should confirm the type and quantity of construction waste.
3.8.2	Table 12-6	Emissions from disposal of vegetation – construction	The Applicant proposes to scope out emissions from the disposal of vegetation on the basis that these are not expected to be large. No further justification is provided, and the extent of vegetation removal required is not provided. Nevertheless, considering the location of the site (the majority of the site is “urban” land with a small area classified as Grade 5 agricultural land) the Inspectorate is content that significant effects are unlikely to occur from the disposal of vegetation and therefore this matter can be scoped out of further assessment.
3.8.3	Table 12-6	Emissions from maintenance, repair, replacement, refurbishment – operation	The Applicant proposes to scope this matter out on the basis that the Proposed Development is not designed with the expectation that any significant plant maintenance, repair, or refurbishment will be required. The Inspectorate is content that this matter can be scoped out of further assessment, however the ES should describe how the Proposed Development has considered the design life of the various

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			components to limit the potential for comprehensive replacement/refurbishment during operation.
3.8.4	Table 12-6	Land use change	<p>The Applicant proposes to scope this matter out on the basis that the reduction in carbon sequestration due to land use change is not considered to be large.</p> <p>The extent of vegetation removal, and therefore the impact on carbon sequestration, is not provided within the Scoping Report. However, the Inspectorate has considered the characteristics of the Proposed Development site, and its location on brownfield land, and is content that significant effects resulting from land use change are not likely to occur. Therefore, the Inspectorate is content that this matter can be scoped out of further assessment.</p>
3.8.5	Table 12-6 and paragraph 12.8.2	Decommissioning phase	<p>Table 12-6 states that the decommissioning phase is proposed to be scoped out on the basis that uncertainties exist surrounding deconstruction techniques and the carbon intensity of fuels used within these techniques. Contrastingly, paragraph 12.8.2 states that the assessment will consider GHG emissions during the decommissioning phase. It is therefore unclear whether decommissioning is proposed to be scoped out.</p> <p>For the avoidance of doubt, the Inspectorate does not agree that decommissioning phase effects can be scoped out. Accordingly, the ES should include an assessment of the decommissioning phase, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effects. Where uncertainty exists regarding decommissioning activities a worst-case scenario should be used.</p>

ID	Ref	Description	Inspectorate's comments
3.8.6	N/A	N/A	N/A

3.9 Climate Resilience

(Scoping Report Section 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.1	Tables 13-10, 13-13, and 13-14	Construction and decommissioning phases	<p>The Applicant proposes to scope out effects during the construction and decommissioning phases on the basis that the Proposed Development is predicted to have low vulnerability to all climate variables (as shown in Tables 13-10 and 13-13).</p> <p>Based on the vulnerability assessment, the Inspectorate is content that the construction and decommissioning phases can be scoped out of further assessment.</p>
3.9.2	Table 13-14	Changes in annual average precipitation and annual average temperature – SAF plant and components	<p>The Applicant proposes to scope this matter out on the basis that vulnerability is considered to be low. It is stated that the SAF plant and components are less likely to be impacted by changes in annual average temperature and precipitation. The Inspectorate has considered the characteristics of the Proposed Development and is content that significant effects are unlikely to occur from changes in annual average precipitation and temperature. This matter can be scoped out of further assessment.</p>
3.9.3	Table 13-14	Changes in annual average precipitation, drought, annual average temperature – feedstock processing and storage area, pipeline and cable connections, and utility corridors	<p>The Applicant proposes to scope this matter out on the basis that vulnerability is considered to be low. The Inspectorate has considered the characteristics of these components of the Proposed Development and is content that significant effects from climate change are unlikely to occur and therefore this matter can be scoped out of further assessment.</p>
3.9.4	Table 13-14	Changes in annual average precipitation – bulk liquid storage	<p>The Applicant proposes to scope this matter out on the basis that vulnerability is considered to be low. The Inspectorate has considered the characteristics of this component of the Proposed Development</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			and is content that significant effects from climate change are unlikely to occur and therefore this matter can be scoped out.
39.5	Table 13-14	Change in annual average precipitation and relative humidity – hard landscaping	The Applicant proposes to scope this matter out on the basis that vulnerability is considered to be low. The Inspectorate has considered the characteristics of this component of the Proposed Development (namely roads, walkways, pavements, and laydown areas) and is content that significant effects from climate change are unlikely to occur and therefore this matter can be scoped out of further assessment.
39.6	Table 13-14	Change in annual average precipitation, drought, change in annual average temperature, wind, relative humidity – internal conveyor corridor	<p>The Applicant proposes to scope this matter out on the basis that vulnerability is considered to be low.</p> <p>Paragraph 2.2.32 states that these conveying corridors are likely to be above ground and covered to protect materials from weather exposure.</p> <p>The Inspectorate has considered the characteristics of this component of the Proposed Development and is content that significant effects from climate change are unlikely to occur and therefore can be scoped out. However, the ES should describe how the conveyor corridors have been designed to reduce the exposure from weather related events.</p>
39.7	Table 13-14	Changes in annual average precipitation, wind, relative humidity – rail terminal	<p>The Applicant proposes to scope this matter out on the basis that vulnerability is considered to be low.</p> <p>The Inspectorate has considered the characteristics of the rail terminal and is content that significant effects from climate change are unlikely to arise from changes in annual average precipitation and relative humidity and agrees that these matters can therefore be scoped out of the ES. Table 13-4 states that the rail terminal would</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			be vulnerable to wind events and therefore the Inspectorate does not agree to scope out this climate variable. The ES should include an assessment of the vulnerability of the rail terminal component of the Proposed Development to strong winds.
3.9.8	Table 13-14	Change in annual average precipitation, drought, temperature, relative humidity – drainage features	It is stated that drainage is unlikely to be impacted by changes in annual average rainfall, drought, temperature events, and relative humidity. No further explanation is provided. Subject to demonstration that drainage has been designed to take into account climate change, such as through a Flood Risk Assessment, and agreement from the relevant consultation bodies, the Inspectorate is content that this matter can be scoped out of further assessment.
3.9.9	Table 13-14	Change in annual average precipitation, change in annual average temperature – marine transport infrastructure	The Inspectorate is content that marine transport infrastructure is unlikely to be impacted by changes in annual average precipitation or temperature and is therefore content that this matter can be scoped out of further assessment.
3.9.10	Table 13-14	Changes in annual average precipitation, drought, change in annual average temperature, relative humidity – operational staff	It is stated that operational staff are less likely to be impacted by changes in annual average rainfall and temperature, drought, or relative humidity. The Inspectorate considers that any such changes would be unlikely to lead to significant effects and agree that this matter can be scoped out of further assessment. The Inspectorate agrees that extreme precipitation and temperature events, wind and sea level rise should be scoped in.

ID	Ref	Description	Inspectorate's comments
3.9.11	N/A	N/A	N/A

3.10 Material Assets and Waste

(Scoping Report Section 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	Table 14-9 and paragraph 14.7.4	Consumption of material resources – operation	<p>The Applicant proposes to scope this matter out on the basis that operational phase activities are not anticipated to require consumption of material resources beyond routine repair and maintenance. Paragraph 14.7.4. states that the feedstock for the Proposed Scheme (derived from domestic and commercial waste) is not a naturally occurring material and therefore will not impact on the depletion of material resources.</p> <p>On the basis that repair and maintenance activities are likely to be sporadic the Inspectorate is content that any impacts from consumption of material resources during operation are likely to be minimal and therefore unlikely to lead to significant effects. This matter can be scoped out. Regarding the feedstock, the ES should explain what the feedstock options will constitute and describe how the use of 'waste biomass' (as opposed to virgin biomass or energy crops) has been secured. In the event that feedstock is likely to be derived from sources other than waste streams, the ES must factor this into assessments in relevant aspect chapters.</p>
3.10.2	Table 14-9 and paragraph 14.7.5	Disposal and recovery of waste – operation	<p>It is recognised in the Scoping Report that the operation of the Proposed Development would result in the production of waste. However, the Applicant proposes to scope this matter out on the basis that an outline Waste Management Plan (WMP) will be prepared as part of the application which will describe the management arrangements for operational solid waste arising from the Proposed Development. Paragraph 14.7.5 states that "<i>some operational waste</i></p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p><i>may be disposed of to landfill, such as ash, tramp, slag, if alternative waste recovery routes cannot be found".</i></p> <p>In the absence of further information on likely quantities of waste which are likely to be produced during the operational phase the Inspectorate is not content to scope this matter out at this stage. The ES should include an assessment of the solid waste generated by the operation of the Proposed Development. The ES should also specify the quantities of any hazardous liquid wastes produced, e.g., from the carbon capture process, and provide an assessment of any potentially significant effects.</p>
3.10.3	Table 14-9	Consumption of material resources – decommissioning	It is stated that decommissioning of the Proposed Development is not likely to require material resource consumption. The Inspectorate agrees that this matter can be scoped out on this basis.
3.10.4	Table 14-9	Disposal and recovery of waste – decommissioning	<p>The Applicant states that impacts from the disposal and recovery of waste during decommissioning cannot be reliably predicted so far into the future and therefore this matter is proposed to be scoped out. Instead, this will be assessed and managed in the decommissioning plan in accordance with best practice at the time.</p> <p>Difficulty of assessment is not an adequate justification to scope matters out. The ES should provide estimates of the type and quantity of waste at the point of decommissioning and address the likely significant effects from waste at decommissioning to the extent possible at this time, including consideration of any measures to ensure that component waste will avoid entering the waste chain. Where uncertainty exists regarding the likely waste streams at the point of decommissioning a worst-case scenario should be assumed.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.5	Table 14-9	Extraction of raw resources and the manufacture of products – construction and operation	<p>It is stated that the impacts associated with extraction and manufacture of materials cannot be assured with any accuracy and are subject to separate environmental consent and permitting processes. It is also stated that the Proposed Development does not require the direct extraction, processing, and manufacture of raw resources.</p> <p>The Inspectorate is content to scope this matter out of further assessment on the basis that the Proposed Development does not require the direct extraction, processing, and manufacture of raw resources.</p>
3.10.6	Table 14-9	Transportation of material resources and waste to and from the site – construction and operation	<p>This matter is proposed to be scoped out on the basis that it will be considered within the Air Quality, Noise and Vibration, Greenhouse Gases, and Traffic and Transport aspect chapters. The Inspectorate is content with this approach. Cross-references should be made between aspect chapters where appropriate.</p>
3.10.7	Table 14-9	Impacts on human health and controlled waters as a result of contaminated site arisings – construction and operation	<p>This matter is proposed to be scoped out on the basis that it will be assessed within the Population and Human Health and Water Environment and Flood Risk aspect chapters. The Inspectorate is content with this approach. Cross-references should be made between aspect chapters where appropriate.</p>

ID	Ref	Description	Inspectorate's comments
3.10.8	N/A	N/A	N/A

3.11 Socio-economics

(Scoping Report Section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.1	Table 15-4	Employment generation (direct, indirect and induced) – operation	The Scoping Report proposes to scope this matter out on the basis that the scale of employment from the operation of the Proposed Development is unlikely to result in significant effects on the local employment markets. On this basis, the Inspectorate is content to scope this matter out of further assessment.
3.11.2	Table 15-4	Increased demand for community infrastructure and services due to an influx of temporary workers – construction	This matter is proposed to be scoped out on the basis that the number of specialist contractors required for the construction of the Proposed Development would be unlikely to significantly affect local community infrastructure and services. Considering that peak construction employment is expected to be around 750 staff and the combined population of the surrounding local area is approximately 470,300, the Inspectorate agrees that the influx of temporary workers for the construction phase is unlikely to have significant effects on community infrastructure. This matter can therefore be scoped out of further assessment.
3.11.3	Table 15-4	Employment generation (direct, indirect and induced) – decommissioning	<p>This matter is proposed to be scoped out for two reasons. Firstly, decommissioning is expected to take around 15-18 months and the effects are therefore expected to be less than that of the construction phase. Secondly, due to uncertainty around the decommissioning techniques/technologies that are to be employed, the effects on employment generation would be difficult to predict.</p> <p>The Inspectorate accepts that due to the timescales and uncertainty involved, predicting the employment generation for the decommissioning phase would likely produce results which are not accurate. This matter can be scoped out of the ES on the basis that it</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			is assessed in the decommissioning plan prior to the Decommissioning Phase.
3.11.4	Table 15-4	Loss of employment opportunities – decommissioning	This matter is proposed to be scoped out on the basis that even though jobs created during the operational phase could be lost, the Applicant may be able to re-deploy members of staff through retainment or re-skilling. The Inspectorate agrees that given the scale of employment and the intention to retain some staff, the loss of jobs associated with the decommissioning of the Proposed Development is not likely to be significant. This matter can be scoped out of further assessment in the ES.
3.11.5	Paragraph 15.4.1	Crime and safety – all phases	The Scoping Report states that crime and safety data has been scoped out under the assumption that the Proposed Development is located within a private industrial estate and has adequate security and safety measures. On this basis, the Inspectorate is content to scope this matter out of the ES.

ID	Ref	Description	Inspectorate's comments
3.11.6	Paragraph 15.3.2	Local study area	The Scoping Report defines the local socioeconomic study area as including the local authorities of Stockton-on-Tees (host), Middlesbrough (adjacent) and Redcar and Cleveland (adjacent). The Inspectorate notes that Hartlepool is also adjacent to Stockton-on-Tees but has not been included within the study area. It is therefore not clear how this study area has been established. The ES should contain a statement providing the rationale for the selection of the final study area.

ID	Ref	Description	Inspectorate's comments
3.11.7	Paragraph 15.6.1	Employment	The Scoping Report states that the Applicant would work proactively to provide local employment opportunities and to enable access to training where possible. The ES should detail how these opportunities would be provided and how they link to local economic and employment strategies.

3.12 Population and Human Health

(Scoping Report Section 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.12.1	Table 16-4	Private property and housing – construction and operation	This matter is proposed to be scoped out on the basis that there are only a limited number of private properties in proximity to the Proposed Development, the construction site is contained with good road linkages, and operational activities are unlikely to result in significant effects on private property and housing. The Inspectorate agrees that due to the limited number of private properties in proximity to the Proposed Development site and the industrial nature of the surrounding area, the scheme is unlikely to result in significant effects on private property and housing. This matter can therefore be scoped out of further assessment.
3.12.2	Table 16-4	Community land and assets – construction and operation	The Applicant states that this matter is to be scoped out on the basis that there are limited community land uses within the study area and access to these facilities is “likely” to be maintained throughout construction and operation. The phrasing used here suggests that there is a possibility that access to community facilities would not be maintained throughout construction and operation. The ES should either provide evidence that access to community facilities would be maintained throughout construction and operation of the Proposed Development. If evidence cannot be provided, then the impact on community land and assets from construction and operation should be assessed in full within the ES.
3.12.3	Table 16-4	Walkers and cyclists – operation	This matter is proposed to be scoped out on the basis that the area surrounding the Proposed Development is already heavily industrialised and so significant effects would be unlikely to occur on walkers and cyclists passing through the area. The Inspectorate

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			agrees that given the industrial context of the area, the Proposed Development is unlikely to significantly detract from walking and cycling routes passing through it. This matter can be scoped out of the ES.
3.12.4	Table 16-4	Terrestrial businesses – construction	The Scoping Report proposes to scope this matter out on the basis that access to businesses is “likely” to be maintained throughout construction. The ES should provide evidence that access to terrestrial businesses will be maintained throughout the construction of the Proposed Development. If evidence cannot be provided, then the impact on terrestrial businesses from construction should be assessed in full within the ES.
3.12.5	Table 16-4	Terrestrial businesses – operation	The Scoping Report proposes to scope this matter out on the basis that the Proposed Development is not anticipated to result in significant effects on any local businesses. The Inspectorate agrees that the operation of the Proposed Development is unlikely to result in any significant effects on terrestrial businesses in proximity. This matter can therefore be scoped out from further assessment.
3.12.6	Table 16-4	Businesses that rely upon access to the River Tees – construction	The Applicant states that this matter is to be scoped out of this chapter as it will be considered within Chapter 20: Marine Navigation. The Inspectorate agrees with this approach. This matter can be Scoped out of the Population and Human Health chapter.
3.12.7	Table 16-4	Businesses that rely upon access to the River Tees – operation	The Scoping Report proposes to scope this matter out on the basis that, whilst there will be some impact from an increase in marine vessels associated with the Proposed Development, it is not likely to be of a scale that would result in significant impacts. It is noted that information on marine vehicle movements during the operation phase

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			has not been provided. In the absence of this information, the Inspectorate is not in a position to scope this matter out.
3.12.8	Table 16-4	Terrestrial recreation – operation	It is not clear why this matter is proposed to be scoped out. The Scoping Report states that Chapter 7: Ecology outlines the potential impacts on bird species at two nearby nature reserves which could subsequently impact the amenity value for these sites. No further rationale has been provided for scoping this matter out. In the absence of such rationale and evidence, the Inspectorate is unable to scope this matter out of further assessment. The ES should assess the potential impacts to terrestrial recreation as a result of the operation of the Proposed Development.
3.12.9	Table 16-4	Recreational users of the River Tees – construction and operation	The Scoping Report proposes to scope this matter out on the basis that the area surrounding the Proposed Development is already heavily industrialised, and so the construction and operation of the Proposed Development would not significantly detract from recreational users of the River Tees. The Inspectorate agrees that in the context of the surrounding area, the Proposed Development would not significantly detract from recreational users of the River Tees. This matter can be scoped out of further assessment.
3.12.10	Table 16-4	Human health – construction and operation	The Applicant intends to scope this matter out on the basis that potential adverse health effects are likely to be temporary and minor given the location of the site in an existing industrial area with limited health receptors and health effects are also considered in other relevant aspect chapters (Chapter 5: Air Quality, Chapter 6: Noise and Vibration, Chapter 15: Socioeconomics, and Chapter 18: Traffic and Transport). Little information has been provided on the potential impacts on human health as a result of the Proposed Development. Whilst the Inspectorate acknowledges that impacts relevant to other aspects will be discussed within the relevant aspect chapters, it is not

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			clear which impacts are being scoped out here. As such, the Inspectorate is unable to scope this matter out of the ES. Any likely significant effects on human health as a result of the Proposed Development should be fully assessed within the ES.

ID	Ref	Description	Inspectorate's comments
3.12.11	Paragraphs 16.4.10 to 16.4.12	Frequency of use	The Scoping Report identifies that a number of Public Rights of Way (PRoWs) could potentially be affected by the Proposed Development. However, limited information on the frequency of use of these PRoWs has been provided. The ES should provide this data for each PRoW affected and reference it in the determination of significance.
3.12.12	Paragraphs 16.8.4 and 16.8.5	Methodology	The Scoping Report states that significance criteria for this assessment was established using guidance such as DMRB LA 112 and 104. It is the Inspectorate's opinion that this does not represent the most appropriate guidance considering the nature of the Proposed Development and the assessment. The Applicant should consider using guidance such as 'Determining Significance For Human Health In Environmental Impact Assessment' issued by the Institute of Environmental Management and Assessment (IEMA) as the basis for this assessment. The Applicant's attention is drawn to the comments from the UK Health Security Agency in Appendix 2 of this Opinion.
3.12.13	N/A	Figure(s)	The ES should contain a figure, or figures, which displays the location of sensitive receptors such as Walking, Cycling, Horse-riding (WCH) routes, residential properties, community facilities, PRoW etc. in relation to the Proposed Development.
3.12.14	N/A	Emissions to water	It is noted that the Scoping Report does not consider the health implications of emissions to water. The ES should contain an

ID	Ref	Description	Inspectorate's comments
			assessment of any health impacts that may arise as a result of emissions to water.

3.13 Geology and Soils

(Scoping Report Section 17)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.13.1	Paragraphs 17.4.9, 17.4.17 and 17.4.18	Mining	<p>It is stated that the site is not within a Coal Mining Reporting Area and therefore risks associated with coal mining are not considered further. However, paragraph 17.4.18 states that there are features located within the site boundary, such as two tunnels and mining cavities.</p> <p>Although the Inspectorate acknowledges that the site is not located within a Coal Mining Reporting Area, these areas do not represent the full extent of geological coal reserves and resources and therefore there is some potential for the Proposed Development to impact on existing mining and/or natural features, particularly as these features have been identified within the site boundary. As such the ES should assess the potential for risks associated with mining, ground workings, and/or natural cavities to result in likely significant effects.</p>
3.13.2	Table 17-4	Contaminated soil and detriment to human health – construction	<p>The Applicant proposes to scope out impacts to human health from exposure to contaminated soil on the basis that this will be mitigated through risk assessment and method statements (RAMS) as standard practice during construction.</p> <p>The Inspectorate is content that this matter can be scoped out of further assessment. However, the ES should outline the mitigation measures in place and mechanism(s) by which these are secured.</p>
3.13.3	Table 17-4	Contaminated soil and detriment to human health – operation	<p>It is proposed that a Remediation Strategy will be implemented during the construction phase which would eliminate the potential for impacts relating to exposure to contaminated soil to occur during operation.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The Inspectorate is content that this matter can be scoped out of further assessment for the operational phase. However, the ES should outline the measures in place within the Remediation Strategy and mechanism by which this is secured.
3.134	Table 17-4	Controlled water body contamination – construction	<p>The Applicant proposes to scope out impacts on controlled water bodies (including Ramsar sites and SSSIs). It is stated that potential sources of contamination and understanding of the hydrogeological regime will be acquired through future site investigation and standard practice measures will be implemented during construction; these measures are outlined within paragraph 17.6.2 and are proposed to be included within the CoCP.</p> <p>Considering the dependence on mitigation measures, including as yet uncompleted further on-site investigation, the Inspectorate does not agree to scope out impacts arising through construction works. The ES should assess the potential for the Proposed Development to result in likely significant effects from the contamination of water bodies and/or describe any measures in place to reduce the potential for likely significant effects and the mechanism by which this is secured.</p>
3.135	Table 17-4	Controlled water body contamination – operation	The Applicant proposes to scope out impacts on controlled water bodies during operation on the basis that the Proposed Development would operate in accordance with the environmental permitting requirements. The Inspectorate is content with this approach and therefore is content to scope this matter out for the operational phase.
3.136	Table 17-4	Hazardous ground gas to accumulate within confined spaces	The Applicant proposes to scope out impacts resulting from the accumulation of hazardous ground gas within confined spaces. It is stated that this will be assessed during future ground investigation

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>and mitigated through standard construction practices in accordance with the CoCP and RAMS as well as <i>"the implementation of good design"</i>.</p> <p>It is stated that if confined spaces or other areas where gas could accumulate are included in the Proposed Development construction of these would <i>"include gas protection measures where necessary"</i>. No further detail is provided on these measures.</p> <p>In the absence of further information including the specific measures relied upon the Inspectorate is not in a position to scope this matter out at this stage. The ES should assess the potential for the Proposed Development to result in likely significant effects from the accumulation of gas in confined spaces and/or describe any measures in place to reduce the potential for likely significant effects and the mechanism by which this is secured.</p>
3.13.7	Table 17-4	Built environment – construction	<p>The Applicant proposes to scope out impacts to the built environment (namely pipes and cables) from aggressive ground contaminants. This is proposed to be scoped out of the construction phase due to there being insufficient time for contaminants to impact structures. The Inspectorate agrees that significant effects are unlikely to occur in relation to this impact during the construction period and therefore this matter can be scoped out.</p>
3.13.8	Table 17-4	Built environment – operation	<p>The Applicant proposes to scope this matter out on the basis that this impact will be assessed during future intrusive works and mitigated through the implementation of good design. In the absence of further information including the specific measures relied upon the Inspectorate is not in a position to scope this matter out at this stage. Accordingly, the ES should include an assessment of these matters, or the information referred to demonstrating agreement with the</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			relevant consultation bodies and the absence of a likely significant effect.
3.13.9	Table 17-4	Agricultural soils	<p>Agricultural soils are proposed to be scoped out as they have not been identified as a sensitive receptor. The majority of the site is "urban" land with a small area classified as Grade 5 agricultural land.</p> <p>Considering the nature of the Proposed Development site the Inspectorate is content for this matter to be scoped out of further assessment.</p>
3.13.10	Table 17-4 and Paragraph 17.4.19	Mineral resources	<p>It is stated that the mineral resources (namely underlying reserves of gypsum and salt) are already sterilised by existing development within the site and wider surrounding area. it is also stated that the Proposed Development would also represent a sterilisation of less than 1% of the overall mineral resource of the Tees Valley.</p> <p>Paragraph 17.4.19 states that the Tees Valley Core Strategy includes plans for Mineral Safeguarding Areas. In the absence of further information such as evidence demonstrating clear agreement with relevant statutory bodies such as the Mineral Planning Authority the Inspectorate is not in a position to agree to scope this matter from the assessment. Accordingly, the ES should include an assessment of these matters, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.</p>

ID	Ref	Description	Inspectorate's comments
3.13.11	N/A	Decommissioning	This section of the Scoping Report does not refer to the decommissioning phase. The ES should consider the potential for

ID	Ref	Description	Inspectorate's comments
			likely significant effects during decommissioning of the Proposed Development.

3.14 Traffic and Transport

(Scoping Report Section 18)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.14.1	Paragraphs 18.7.8 to 18.7.10	Movements of workers – operation	<p>The Applicant proposes to scope out impacts from the movement of workers during the operational phase. The reasoning provided is that the Proposed Development is anticipated to generate up to 235 Full Time Equivalent (FTE) employees during operation of the Proposed Development. The Scoping Report argues that this is not considered to significantly increase traffic generation when compared to the site's extant planning permission.</p> <p>Although the site is subject to planning permission, as stated in paragraph 2.1.2, the construction works were suspended and therefore, no traffic movements associated with the operation of the existing planning permission currently occur across the site. The ES should assess the potential for likely significant effects to occur compared to the current baseline usage.</p> <p>In light of this the Inspectorate does not agree to scope this matter out at this stage. Accordingly, the ES should include an assessment of this matter, or evidence demonstrating the absence of a likely significant effect with reference to guidance, demonstrating agreement with the relevant consultation bodies.</p>
3.14.2	Paragraphs 18.7.8 and 18.7.11 to 18.7.13	Movements of inputs/ outputs – operation	<p>The Applicant proposes to scope out movements of materials during operation on the basis that changes to traffic flows are not expected to change by more than 10% when compared to the site's permitted use (as stated in paragraph 18.7.13). It is stated (in paragraph 18.7.11) that the Applicant intends for all additional feedstock to be delivered by rail. However, as a contingency, up to 400,000 tonnes</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>per annum may be transported by road to allow for instances where the use of rail is not possible.</p> <p>The quantity and type of vehicle movements required to transport up to 400,000 tonnes of feedstock per annum is not provided, nor are the HGV movements associated with the permitted use of the TV1 and TV2 facilities. Therefore, the potential for significant effects to occur is not fully understood. Furthermore, although it is the Applicant's intention for feedstock to be transported via rail, it is unclear on what mechanism will be in place to ensure that rail is utilised over road movements. Therefore, the Inspectorate does not agree to scope this matter out at this stage. Accordingly, the ES should include an assessment of these matters, or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.</p>
3.14.3	Paragraph 18.7.14	Decommissioning phase	<p>The Applicant proposes to scope out decommissioning phase effects on the basis that these would be similar to or less than the construction phase. As noted in paragraph 18.7.14 decommissioning works are uncertain at this stage. Indicative traffic numbers for either the construction or decommissioning phases are not provided within the Scoping Report therefore no evidence is provided to support the claim that decommissioning phase effects would be similar to or less than construction phase effects. Furthermore, since the construction phase is scoped in on the basis that significant effects could occur, there is potential for significant effects to occur within the decommissioning phase.</p> <p>The Inspectorate is not in a position to scope this matter out at this stage. The ES should identify the likely traffic generated during construction and decommissioning, along with the basis for estimating traffic movements and any measures to manage the impact of traffic on the road network. Where the potential for a</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			significant effect is identified, then this should be fully assessed within the ES.

ID	Ref	Description	Inspectorate's comments
3.14.4	Table 18-1	Guidance	Table 18-1 refers to the Guidelines for the Environment Assessment of Road Traffic (1993) by the Institute of Environmental Management and Assessment (IEMA). In July 2023 IEMA published an update to the 1993 guidance titled 'Environmental Assessment of Traffic and Movement'. The Applicant is advised to use the most recent guidance in its assessment.
3.14.5	Paragraphs 18.4.1 and 18.8.14	Strava 'heat maps'	<p>The Scoping Report states that Strava 'heat maps' will be used as a data source to understand the usage of routes by non-motorised users. It is stated that this will be supplemented by observations on site and local knowledge.</p> <p>The ES should justify why the use of such maps is a robust data source for establishing baseline conditions, particularly considering there is potential for routes to be used by non-motorised users who may not use the Strava application. Therefore, these maps are unlikely to represent a worst-case scenario. Furthermore, these maps do not provide quantitative data of route usage.</p>
3.14.6	Paragraph 18.4.12	Future baseline	The assessment proposes to use the Trip End Model Program (TEMPro) to predict the level of background traffic growth at the peak year of construction. The ES should also assess the operational traffic against background traffic flows for the peak year of operation of the Proposed Development.

ID	Ref	Description	Inspectorate's comments
3.14.7	Paragraphs 18.7.9 to 18.7.13	Operational traffic movements	As noted at ID 3.14.1 and ID 3.14.2 above, the Applicant proposes to scope out operational traffic movements associated with employees and transportation of SRF feedstock. No consideration is given in the Scoping Report to other operational traffic movements, such as exports of industrial effluent and transportation of CO ₂ during the five-year start-up period for the NZT Project (as stated in paragraph 2.2.17). The ES should consider operational transport movements from all elements of the operational phase, assessing a worst-case scenario where optionality is sought.
3.14.8	Paragraph 18.7.11	Rail movements	It is stated that the Applicant intends for the feedstock to be delivered by rail. The ES should provide numbers of rail movements associated with the operational of the Proposed Development and demonstrate that there is capacity on the rail network to accommodate the additional flows. Agreements and consents/easements may be required; the Applicant's attention is drawn to the consultation response from Network Rail (Appendix 2 of this Opinion) in this regard.

3.15 Major Accidents and Disasters

(Scoping Report Section 19)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.15.1	Table 19-4	<p>Geophysical, hydrological, climatological and meteorological hazards:</p> <ul style="list-style-type: none"> • Earthquakes • Volcanic Activity • Landslides • Sinkholes • Tsunamis • Avalanches <p>– all phases</p>	<p>The Applicant proposes to scope these impacts out of the ES on the basis that the geographical location of the Proposed Development makes it highly improbable that any would occur. The Inspectorate agrees that these impacts are not likely to occur on the Proposed Development. These matters can be scoped out of further assessment.</p>
3.15.2	Table 19-4	<p>Climatological and meteorological hazards:</p> <ul style="list-style-type: none"> • Extreme temperatures: (heatwaves, low (sub-zero) temperatures and heavy snow) • Drought <p>– all phases</p>	<p>The Scoping Report states that despite the Proposed Development being vulnerable to these impacts it is unlikely to increase the risks associated with them or result in a major accident. The Inspectorate agrees that the Proposed Development is unlikely to increase the risk of major accidents and disasters associated with these hazards occurring. These matters can be scoped out of the assessment. However, the ES should still assess the vulnerability of the Proposed Development to these hazards.</p>
3.15.3	Table 19-4	<p>Industrial and urban accidents: Fire</p> <p>– all phases</p>	<p>The Applicant intends to scope this matter out on the basis that standard fire control measures and an emergency preparedness and response plan will be in place for construction and operation of the</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>Proposed Development. The Inspectorate is content that the risk of fire during construction is not likely to result in significant effects in terms of Major Accidents and Disasters (MA&D) and can be scoped out of further assessment.</p> <p>However, the Inspectorate considers that the ES should assess the risk of fire/explosion from the accidental release/ignition of flammable gasses and liquids such as SAF, Naphtha, Syngas etc. Any mitigation measures relevant to safety risks associated with fire/ explosion, should be described in the ES (with reference to the proposed emergency preparedness and response plan, where relevant) and their delivery secured through the dDCO. Effort should be made to agree any necessary measures with relevant consultation bodies.</p>
3.154	Table 19-4	Transport accidents: Road – all phases	<p>It is not clear why this matter is proposed to be scoped out from the construction phase. The rationale provided states that there will be an increase in heavy construction plant and equipment on the local road network which would lead to increased risks but does not explain why this would not be significant. The Inspectorate is therefore unable to scope this matter out of the construction phase. The ES should assess the potential for transport accidents to occur as a result of the construction of the Proposed Development.</p> <p>The Scoping Report states that the transport chapter identifies that operational trip attraction is unlikely to require significant enhancements to the local road network. The Inspectorate agrees that the operation of the Proposed Development is unlikely to generate trips on a level that would lead to significant MA&D impacts. This matter can be scoped out of the operational phase. However, the ES should provide information on hazardous loads during the operational phase, including the number of trips and composition of the loads. These loads should also be subject to risk analysis.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.15.5	Table 19-4	Pollution accidents: Air Climatological and meteorological hazards: Poor air quality	The Inspectorate agrees that an assessment of poor air quality and air pollution accidents in relation to MA&D can be scoped out of further assessment.
3.15.6	Table 19-4	Pollution accidents: Land and Water – construction and decommissioning	The Scoping Report proposes to scope these matters out on the basis that, whilst there may be an increased risk of spillages and leaks during construction and decommissioning, standard control measures would be implemented through the CoCP to mitigate the risk. The Inspectorate agrees that with the implementation of standard control measures, the Proposed Development would not result in a significantly elevated risk of spillages and leaks occurring. This matter can be scoped out from further assessment. However, the ES should describe the mitigation measures relied on to avoid significant effects and explain how these have been secured.
3.15.7	Table 19-4	Unexploded ordnance (UXO) – operation	The Scoping Report proposes to scope this matter out during operation on the basis that although there would be a limited risk from UXO, it would be no greater than other similar schemes in the vicinity. The Inspectorate agrees that the risk of UXO during operation would be minimal. This matter can be scoped out of further assessment.
3.15.8	Table 19-4	Climatological and meteorological hazards: <ul style="list-style-type: none"> • Severe space weather • Fog • Wildfire 	Based on the reasoning and evidence presented in the Scoping Report, the Inspectorate is content that risks to or from the Proposed Development from these matters are not likely to result in significant effects. These matters can be scoped out of the assessment.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		<ul style="list-style-type: none"> • Cyclones, hurricanes, typhoons, storms and gales • Thunderstorms • Wave surges <p>Biological hazards:</p> <ul style="list-style-type: none"> • Disease epidemics • Animal diseases • Plants (Invasive) <p>Societal hazards:</p> <ul style="list-style-type: none"> • Demonstrations • Societal or economic damage • Humanitarian disasters (assistance political and military constraints, security risks) • Famine • Displaced population <p>Industrial and urban accidents:</p> <ul style="list-style-type: none"> • Nuclear • Dam breaches • Mines and storage caverns <p>Utilities failures:</p>	

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		<ul style="list-style-type: none"> • Electricity • Gas • Water supply • Sewerage system <p>Malicious Attacks:</p> <ul style="list-style-type: none"> • Chemical, biological, radiological and nuclear attacks • Transport systems • Crowded places • Cyber • Infrastructure <p>Engineering Accidents and Failures:</p> <ul style="list-style-type: none"> • Bridge failure • Mast and tower collapse • Property or bridge demolition accidents • Tunnel failure / fire • Flood defence failure <p>Transport Accidents:</p> <ul style="list-style-type: none"> • Aviation <p>- all phases</p>	

ID	Ref	Description	Inspectorate's comments
3.15.9	N/A	Other Developments	The Inspectorate notes that the Proposed Development is in proximity to Seal Sands salt caverns, which are under consideration for temporary hydrogen storage. The ES should consider the potential MA&D implications for this site e.g., the uncontrolled release of hydrogen gas or subsidence as a result of the deformation of the salt caverns.

3.16 Marine Navigation

(Scoping Report Section 20)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.16.1	Paragraphs 20.7.2, 20.7.3, 20.8.3, and 20.10.1	Operational phase	<p>The Scoping Report explains that further work is required to determine the likely number of export vessel movements for export of the final products. Paragraph 20.8.3 proposes further baseline data collation and discussions with the Statutory Harbour Authority to determine the scope. On the basis of the information provided the Inspectorate does not agree to scope this matter out at this stage. However, as noted in paragraph 1.0.4 of this Opinion this does not prevent the Applicant from subsequently scoping matters out should these be agreed by relevant statutory consultees, evidence of which should be provided as part of the application documents.</p>
3.16.2	Paragraph 20.7.4	Decommissioning phase	<p>The Applicant proposes to scope out an assessment of the decommissioning phase on the basis that the length of the operational lifespan means it is not "<i>considered appropriate to accurately determine the unknown characteristics of the baseline marine environment</i>". Furthermore, a Decommissioning Plan is also proposed to be prepared to confirm the use of marine infrastructure available at the time.</p> <p>The Inspectorate is content with this approach but would expect an outline Decommissioning Plan, which describes any measures likely to be in place during decommissioning which would reduce the impact of the Proposed Development on marine navigation, to be provided as part of the application documents.</p>
3.16.3	Table 20-2	Alongside berthing operations at Wilton Engineering – construction	<p>It is stated that the Proposed Development is unlikely to impact on alongside-berthing operations at Wilton Engineering and Clarence Lower Wharf provided the Proposed Development vessels are of</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>similar specification and moor in a similar manner to current operation.</p> <p>The Inspectorate is content to scope this matter out provided the ES confirms the final vessel types and mooring style.</p>

ID	Ref	Description	Inspectorate's comments
3.16.4	N/A	N/A	N/A

3.17 Cumulative Effects

(Scoping Report Section 21)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.17.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.17.2	Paragraph 21.3.15	Consultation	Paragraph 21.3.15 states that the 'long-list' of cumulative schemes will be sent to the relevant planning authorities for comment and agreement. There is no indication that the 'short-list' will be sent to the relevant authorities. The Inspectorate recommends that the short-list is agreed with the relevant LPAs. The Inspectorate also encourages the Applicant to consult with Middlesbrough Development Corporation regarding the cumulative schemes to be assessed; the Applicant's attention is drawn to the consultation response from Middlesbrough Development Corporation (Appendix 2 of this Opinion) in this regard. Evidence of any consultation and/or agreement should be provided as part of the application documents.

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES¹

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Integrated Care Board	NHS North East and North Cumbria Integrated Care Board
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	Cleveland Fire and Rescue Service
The relevant police and crime commissioner	Cleveland Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Billingham Town Council
The Environment Agency	The Environment Agency
The Maritime and Coastguard Agency	Maritime and Coastguard Agency
The Maritime and Coastguard Agency – Regional Office	The Maritime and Coastguard Agency – North East England
The Marine Management Organisation	Marine Management Organisation
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	Stockton-on-Tees Borough Council
The relevant strategic highways company	National Highways

¹ Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

SCHEDULE 1 DESCRIPTION	ORGANISATION
Trinity House	Trinity House
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	United Kingdom Health Security Agency

TABLE A2: RELEVANT STATUTORY UNDERTAKERS²

STATUTORY UNDERTAKER	ORGANISATION
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
The Office for Nuclear Regulation (the ONR)	The Office for Nuclear Regulation (the ONR)
The relevant Integrated Care Board	NHS North East and North Cumbria Integrated Care Board
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
	National Highways Historical Railways Estate
Dock and Harbour authority	PD Ports
	Port Health Harbour Authority
	South Tees Development Corporation
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding

² 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Hartlepool Water (Anglian Water)
	Northumbrian Water
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Last Mile Gas Ltd
	Leep Gas Networks Limited
	Quadrant Pipelines Limited
Squire Energy Limited	
National Gas	

STATUTORY UNDERTAKER	ORGANISATION
The relevant electricity generator with CPO Powers	Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited
The relevant electricity distributor with CPO Powers	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
Northern Powergrid (Northeast) Limited	
UK Power Networks Limited	
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operation Limited

TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))³

³ Sections 43 and 42(B) of the PA2008

LOCAL AUTHORITY⁴
Darlington Borough Council
Durham County Council
Hartlepool Borough Council
Middlesbrough Council
North Yorkshire Council
Redcar and Cleveland Borough Council
Stockton-on-Tees Borough Council

TABLE A4: NON-PRESCRIBED CONSULTATION BODIES

ORGANISATION
Tees Valley Combined Authority
South Tees Development Corporation
Hartlepool Development Corporation
Middlesbrough Development Corporation
Royal National Lifeboat Institution

⁴ As defined in Section 43(3) of the PA2008

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Anglian Water
Darlington Borough Council
Environment Agency
Hartlepool Borough Council
Historic England
Marine Management Organisation
Maritime and Coastguard Agency
Middlesbrough Development Corporation
National Gas Transmission
National Grid Electricity Transmission (NGET)
NATS En-Route Safeguarding
Natural England
Network Rail
Royal Mail
Stockton-on-Tees Borough Council
Trinity House
UK Health Security Agency



Anglian Water Services

Thorpe Wood House
Thorpe Wood
Peterborough
PE3 6WT

Stephanie Newman
Senior EIA Advisor
The Planning Inspectorate

www.anglianwater.co.uk
Our ref ScpR.LGF.NSIP.23.ds

LighthouseGreen@planninginspectorate.gov.uk

22 August 2023

Dear Stephanie

**Lighthouse Green Fuels Project (LGFP)
EIA Scoping Report consultation**

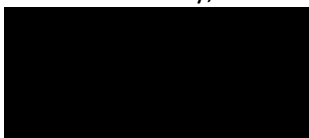
Thank you for the opportunity to comment on the scoping report for the above project, which is within Stockton on Tees, County Durham.

Anglian Water is the water service provider for the Hartlepool area some 5km to the north of the site. Anglian Water's nearest asset is some 2.5km to the north east of the site. I understand that the water and sewerage provider for the area immediately around the site on the north bank of the Tees is Northumbrian Water.

The Hartlepool Water Resource Zone is assessed as not being in water stress under the Environment Agency's July 2021 determination and so is in the same classification as Northumbrian Water. Anglian Water does not therefore wish to make any specific comments on the Scoping Report as we would not anticipate being the water supply provider for the project. If the project wishes to consider utilities further afield from the LGFP then maps of assets are available to view at the following address: <http://www.digdat.co.uk/>

Please do not hesitate to contact me should you require clarification on the above. I would not think it likely that the project would need to further engage with Anglian Water during the next stages of the LGFP.

Yours sincerely,



Darl Sweetland DMS MRTPI
Spatial Planning Manager

cc info@lighthousegreenfuels.co.uk

 [@nwl.co.uk](mailto: @nwl.co.uk)

Registered Office
Anglian Water Services Ltd
Lancaster House, Lancaster Way,
Ermine Business Park,
Huntingdon,
Cambridgeshire. PE29 6XU
Registered in England



DARLINGTON
Borough Council

**CHIEF EXECUTIVE'S OFFICE &
ECONOMIC GROWTH GROUP**

Town Hall, Darlington DL1 5QT

Lighthouse Green Fuels Project

By e-mail

LighthouseGreen@planninginspectorate.gov.uk

[REDACTED]@darlington.gov.uk

2 August 2023

Our ref: Lighthouse Green Fuels DCO

Your ref: EN010150-000006

Please ask for: Lisa Hutchinson

Document Name: 02082023

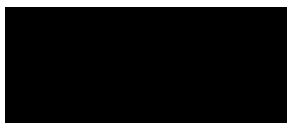
Dear Sirs

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) – Regulations 10 and 11
Application by Lighthouse Green Fuels Limited (the Applicant) for an Order granting Development Consent for the Lighthouse Green Fuels Project (the Proposed Development)
Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

I write in response to your letter dated 25 July 2023 regarding the above matter.

I can confirm that the Council has reviewed the relevant submitted documents and has no comments to make at this stage.

Yours sincerely



Lisa Hutchinson
Development Manager

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

Our ref: NA/2023/116392/01-L01
Your ref: EN010150-000006
Date: 15 August 2023

Dear Sir/Madam

PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (THE EIA REGULATIONS)– REGULATIONS 10 AND 11. APPLICATION BY LIGHTHOUSE GREEN FUELS LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE LIGHTHOUSE GREEN FUELS PROJECT (THE PROPOSED DEVELOPMENT) SCOPING CONSULTATION STOCKTON

Thank you for consulting the Environment Agency (EA) on the Environmental Impact Assessment (EIA) Scoping Opinion for the above Development Consent Order (DCO). Based on matters within our remit, we broadly agree with the topics that have been scoped in and out of the EIA, and wish to make the following comments.

Chapter 7 Terrestrial Ecology

The impact of the development on otters and water voles has been scoped in. An Invasive Non-Native Species (INNS) Management Plan will also be prepared to prevent the spread of INNS. This approach is welcomed.

Chapter 8 Marine and Freshwater Ecology

We are generally satisfied with the proposed scope and methodology outlined in chapter 8. However, it is noted that cooling is mentioned within the scoping report, but no details have been provided. Impacts of cooling water (abstraction and discharge) may need to be scoped in. The applicant should consider the following:

- Will waste water be used for cooling or water abstracted from a Water Framework Directive water body?
- Is this from an existing or new abstraction point?
- Where will the water be abstracted from and discharged to?
- Will there be any thermal impacts?

Impacts to fish including entrainment and the requirements of the Eels Regulations 2009 should also be considered.

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

Cont/d..

Section 2.3.20 provides details of the construction routes and marine deliveries. If option 2 is selected and marine works are required, further information will be needed to assess impacts to the marine environment and fisheries. Potential mitigation may also be required.

Water Environment Regulations (WER) / Water Framework Directive (WFD)

The proposal to undertake a WFD Assessment and the outline stages described are acceptable. However, it is noted that the WFD assessment will “identify likely risks to: biodiversity; the biological, physico-chemical and hydromorphological quality of the WFD surface water bodies and; groundwater quality of the WFD groundwater bodies”. The risk to chemical status should also be considered.

Section 8.5.9 states that the applicant obtained waterbody status information from the EA’s Catchment Data Explorer (CDE). It should be noted that the CDE does not contain all information held by the EA relating to the Mitigation Measures Assessment and the potential to mitigate the ongoing ecological impacts of current physical modifications on relevant waterbodies. This information can be accessed by contacting our Customer and Engagement team by emailing northeast-newcastle@environment-agency.gov.uk. Requests for data can take up to 20 working days to process.

WFD assessments should also have regard to relevant conservation targets and objectives of WFD protected areas, including the Teesmouth and Cleveland Coast Special Protection Area (SPA) as they relate to any water dependent habitat in or around the SPA (section 8.5.11).

The proposals relating to Clarence Wharf (section 8.5.9) may result in additional physical modifications that has the potential to jeopardise attainment of the environmental objective of achieving Good Ecological Potential. In identifying appropriate mitigation, the applicant should take into consideration additional information available from the EA:

- Tees Estuary Edge Enhancement report; and
- Tees Estuary Habitat Vision of Tees Estuary Partnership

There are various partnership activities currently underway to enhance the Tees estuary and restore natural habitats:

- Tees Tidelands programme of intertidal restoration (EA and partners);
- Tees Estuary Edges / Native Oyster and Seagrass restoration (Tees Rivers Trust);
- Tees Barrage Fish Pass Improvements (Canal and Rivers Trust); and
- Tees Estuary Recovering Nature (TERN) partnership (hosted by Natural England)

The applicant may wish to engage with the EA or other partners to discuss how they may support these projects, either as mitigation for proposed impacts, or to provide environmental enhancement to the local area.

Non-reportable waterbodies

The WER apply to all bodies of water. In England, the majority of waterbodies have been identified and monitoring put in place to identify status. This information is available in the CDE. The procedure for the identification and classification of waterbodies acknowledges that small bodies of water (termed non-reportable

waterbodies) do not require monitoring, and so do not have an identified status. Consequently, they are not reported on CDE.

Holme Fleet is a non-reportable waterbody and contains designated sites that rely on water dependent habitat. Deculverting the section of Holme Fleet (grid reference NZ5064921217) currently beneath the southern part of the proposed site may be an opportunity for ecological enhancement of this waterbody. Work is in progress to assess the potential options for enhancing the ecological connectivity of Holme Fleet with the Tees estuary and improving flood resilience. Further information on these works is outlined within the flood risk section. The proposed DCO boundary includes land that may affect those options dependent on the detail of those proposals. We would welcome clarity on the proposals in this area.

Sections 8.9 Elements Scoped In or Out of Further Assessment

The scoping report only assesses the impact of construction activities on marine plant and macroalgae, whereas all other potentially impacted elements assess both construction and operation phases. We recommend that the impacts from the operational phases are also scoped into the assessment. Section 9 states that the operational phase of the proposal will produce wastewaters that will introduce additional Nitrogen into the Tees estuary. The Tees estuary already contains an excess of Nitrogen. Excessive macroalgae is already present and is negatively impacting the features of the designated sites. WFD requires that there is no deterioration in element or overall status within a waterbody, and that WFD designated area targets and objectives are achieved.

Chapter 9 Water Environment and Flood Risk

Flood Risk

Flood Risk Assessment

Parts of the proposed scheme are located within the flood zones 2 and 3, which is at high risk of flooding. This includes the proposed heavy haul road, pipeline corridor, conveyor corridor, bulk liquid storage areas, jetties and rail terminal. We therefore welcome the provision of Flood Risk Assessment (FRA) as part of the DCO submission.

The FRA must assess flood risk from all sources of flooding and identify the mitigation measures that will be implemented to ensure a safe development for the design flood event (1 in 200 year including climate change). It must also demonstrate that flood risk will not be increased elsewhere. As the proposed scheme is at risk from tidal flooding, sea level allowances will need to be applied to the 1 in 200-year level for the 75 years of the development using both higher central and upper end allowances.

Flood risk vulnerability

No information has been provided on the flood risk vulnerability classification within the scoping report. Therefore, we are unable to advise on our policy position in relation to flood risk and the flood risk vulnerability. It should be noted that 'highly vulnerable' uses, requiring a Hazardous Substance Consent, would not be appropriate within flood zones 3. In accordance with [Table 2](#) of the flood risk and coastal change section of the Planning Practice Guidance (PPG), 'highly vulnerable' developments are not appropriate in flood zone 3 and should not be permitted.

Onsite Flood Risk

Flood risk mitigation measures will need to ensure it can remain safe for its' lifetime. The applicant has stated their proposed operational lifespan of 30 years for the development. 30 years is less than the PPG of 75 years. We would therefore expect the FRA assesses the development for 75 years climate change for sea level rise.

In 2013 there was significant flooding in Seal Sands due to a breach of flood defences. Lidar data suggests part of the proposed Lighthouse Green Fuels SAF Plant is 2m AOD. Although this area did not flood in 2013, this area needs assessing and where necessary mitigation measures put in place.

Offsite Flood Risk

If ground raising is proposed and the existing ground levels are below the design flood event, an assessment will be required to confirm there is no increase in offsite flood risk. Given current topographical levels of the main site and if ground raising is significant and which is below the design flood event, then flood modelling should be undertaken. If the pipeline or heavy haul road involves any ground raising, or is above ground and could impact local flood mechanisms, an assessment will be required to understand any increase in offsite flood risk and the provision of mitigation measures. This assessment may require the provision of hydraulic modelling.

Flood Risk Mitigation

Flood risk mitigations will need to be included within the development to ensure it can remain safe for its' lifetime. This includes raising the finished floor levels above the design flood event plus a freeboard allowance of 600mm.

Flood Risk Sources

The main source of potential flooding is from the tidal stretch of the River Tees, but there could be other local sources of flooding such as groundwater and surface water. We have published a suite of interactive maps that indicate where possible flooding from different sources could occur [Check the long term flood risk for an area in England - GOV.UK \(www.gov.uk\)](http://www.gov.uk). Our maps are not suitable for a detailed FRA, but they can indicate where further assessment may be needed.

In December 2013 large areas of Seal Sands were affected by flooding which resulted in a large scale multi-agency emergency response which included military support. Flooding did occur within the proposed DCO boundary. The made ground and raised ground within Seal Sands is of poor quality. Therefore, there could be risks of further breaches during future tidal events. It is noted some of the site does have ground levels which if a breach did occur could become rapidly inundated.

Impact on EA flood defences

There are variety of permanent and demountable defences in this location. Below are a list of the defences:

- Port Clarence Road Ramp
- Port Clarence Embankment
- Port Clarence Transporter Bridge Road Hump
- Port Clarence Transporter Bungalow Floodwall
- Port Clarence Transporter Bridge Road Floodwall
- Port Clarence Wilton Works D/S Floodwall
- Port Clarence Wilton Works Demountable Defence
- Port Clarence Wilton Works Middle Floodwall
- Port Clarence Wilton Works D/S Embankment
- Port Clarence Wilton Works U/S Floodwall
- Port Clarence Wilton Works U/S Embankment
- Stobart's Slab

The proposed heavy haul road may have an impact on existing EA flood defences,

assets and our future schemes. Therefore, the impact of the DCO on our assets must be fully assessed. Further details are outlined below:

Heavy haul road

We require the existing flood standard of protection, provided by the defences, to be maintained both during the construction of the heavy haul road and after completion of the scheme.

If the heavy haul road crosses our flood defence structure, the change in loading to our asset will need to be considered. The design must not impede access for routine maintenance and inspections of the flood defence structure.

Where ground levels near a flood defence are to be disturbed on either a permanent or temporary basis, designs must not allow additional water to pond at the toe of the flood defence.

In terms of construction, excavations near the footprint of a flood defence must remain a safe distance away from the toe of the defence to ensure stability of the defence, this is to be demonstrated in submitted designs.

With regards to maintenance, repairs or future improvement works will be subject to an Environmental Permit if taking place within 16m of a flood defence. Details on the permit requirements are outlined further below.

Rail terminal

The applicant must ensure that the proposed scheme will not negatively impact the Culvert, Sluice Gate and Trash Screen at the Railway embankment on the Holme Fleet.

Works in and near Wilton Engineering Wharf

It's noted that the DCO boundary for the heavy haul road is located within the defences at the Wilton Engineering Wharf and to the East of the Transporter Bridge. The scoping report makes reference to some works which maybe undertaken to provide additional structural integrity. A permit from the EA may be required for these works.

River Holme Culvert

Holme Fleet (main river) flows through a culvert under the proposed Haul Road. The proposed route of the heavy haul road will cross the Holme Fleet Culvert. This culvert is currently inaccessible to assess its condition. However, we consider it unlikely to be able to cope with any additional loading. The EA has a capital scheme to re-align the Holme Fleet further to the East (still within the DCO boundary) to reduce flood risk to Port Clarence community. We are attempting to accelerate this project with deliver within the next two years if funding can be sourced. Below are some options outlined for the Culvert/Haul Road,

Option A: Culvert is in its current condition and alignment at the time of your works.

- Assessment of additional loads from haul road to determine if any additional protection needs to be provided at the culvert crossing; and provision for this as part of the works. (This is highly likely); and
- Access to the inlet, outlet and inspection chambers to be retained.

Option B: Culvert has been upgraded by the EA prior to your works taking place.

- Assessment of additional loads from haul road to determine if any additional

protection needs to be provided at the culvert crossing; and provision for this as part of the works;

- Any inspection chambers located within the haul road area must remain accessible during operation;
- Access to the inlet and outlet to be retained, both during construction and operation;
- Pre works internal survey to confirm condition of culvert and identify defects; and
- Post works internal survey to confirm condition of culvert; and any remedial works carried out if required by the EA.

If our works are delivered ahead of the heavy haul road, it will be cost beneficial to consider assessing loading ahead of works, so that our design could be modified to accommodate any additional loading. Any increase in costs would need to be covered by the applicant but may be a much lower than providing additional protection post EA construction. We would welcome a discussion to see if there are any opportunities to work together on this scheme. Please contact [REDACTED] [@environment-agency.gov.uk](mailto:[REDACTED]@environment-agency.gov.uk) to discuss this further.

If you are looking to offset any environmental losses, we may re-evaluate our scheme and instead of replacing the culvert, you could contribute to an open cut solution for the Holme Fleet.

Flood defence maintenance

The EA requires continued access to continue routine maintenance of the existing and planned defences in order to continue the standard of protection. Any permissions or legal agreements to allow these works to go ahead to be agreed in advance of pipeline construction. It should be noted that we have statutory powers to carry out works to our assets.

Flood Risk Information the Environment Agency (EA) holds

As well as data regarding our flood defence assets, we also hold information relating to the River Tees 2020 hydraulic model and previous flood outlines. Requests for data should be sent to northeast-newcastle@environment-agency.gov.uk. Your local planning authority should have undertaken a Strategic Flood Risk Assessment which will also include local flood risk information to inform your FRA.

Groundwater and Contaminated Land

For an appropriate controlled waters risk assessment, a minimum of three rounds of monitoring of groundwater and surface waters should be undertaken, along with appropriate testing of soils (total concentrations and soil leachate). Groundwater monitoring should be both level and quality. The DCO should include a plan which clearly indicates where the groundwater and surface monitoring points are located.

With respect to Controlled Waters Risk Assessment, the Generic Assessment Criteria (GAC) hierarchy should be determined by the receptor at risk. The GAC hierarchy for assessment of groundwater should be Drinking Water Standards (DWS), followed by Environmental Quality Standards (EQS) and where no appropriate GAC are available, laboratory detection limits should be used. The GAC hierarchy for assessment of surface waters should be EQS followed by DWS, then laboratory detection limits if no GAC value is available.

Should groundwater and surface water be considered receptors, two separate risk assessments should be prepared. Controlled waters risk assessments should be prepared in accordance with Ciria C552 (Contaminated Land Risk Assessment. A

Guide to Good Practice) and take into account requirements of LCRM and Guiding Principles for Land Contamination.

It is noted that chapter 9 states that ground investigations were previously undertaken and no additional is proposed and that site clearance, remediation and removal of ground structures will be undertaken as necessary. Risks to groundwater from the proposed site usage should be considered as well as from historic/existing land uses and contamination on site. For example, the risk associated with the transportation and/or storage of potentially hazardous materials (fuels/hydrocarbons) below ground level. Any tanks and pipelines should be suitably designed, constructed and pollution prevention measures/mitigation installed where required.

The scoping report states that piling requirements have/will be considered and a proposal to install a geotextile to protect groundwater during compaction. The applicant should ensure that piling activities do not pose a risk to shallow or deep groundwater, mitigation should be put in place to mitigate pollution risks.

Chapter 13 Climate Resilience

We refer the applicant to the Chemical Industries Association guidance document 'Safeguarding Chemical Businesses in a Changing Climate – How to prepare a Climate Change Adaption Plan.

Chapter 14 Material Assets and Waste

Active Landfill Sites

The proposed scheme is located on and within a number active landfill sites. The Port Clarence Landfill Site (Non Haz) - EPR/BV14021C landfill site is known to be producing landfill gas. Landfill gas consists of methane and carbon dioxide. It is produced as the waste in the landfill site degrades. Methane can present a risk of fire and explosion. Carbon dioxide can present a risk of asphyxiation or suffocation. The trace constituents of landfill gas can be toxic and can give rise to long and short term health risks as well as odour nuisance.

The risks associated with landfill gas will depend on the controls in place to prevent uncontrolled release of landfill gas from the landfill site. Older landfill sites may have poorer controls in place and the level of risk may be higher or uncertain due to a lack of historical records of waste inputs or control measures.

Development within 50m of any permitted landfill site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces and can gain access to service pipes and drains where it can accumulate or migrate away from the site.

The following publications provide further advice on the risks from landfill gas and ways of managing these:

- Waste Management Paper No 27
- Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'
- Building Research Establishment guidance – BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001
- Building Research Establishment guidance – BR 212 'Construction of new buildings on gas-contaminated land' 1991
- CIRIA Guidance – C665 'Assessing risks posed by hazardous ground gases to buildings' 2007

- Does this need a permit? As stated in section 2.2.20 an Environmental Permit is required. Further information will be provided by the Installations team. Please note that there will be an expectation that the Waste BAT and appropriate measures for NH&I waste must be followed for the Storage/Handling and treatment of waste
- Currently a Deposit For Recovery permit (WML103542) in place for the area of proposed Development to the North. This permit has not been operational since permit issue. The works have not been undertaken to date and the permit has not been surrendered.
- Duty Of Care – waste coded and classified correctly before moved off site and taken to a suitably authorised facility by registered waste carrier.

Some operational waste may be disposed of to landfill, such as ash, tramp, slag, if alternative waste recovery routes cannot be found’ – can you dispose of slag to landfill? A full waste assessment must be performed on waste generated by the operation and waste must be sent for a suitable authorised facility for recovery or disposal.

Chapter 17 Geology and Soils

It is stated that intrusive investigation will be undertaken to refine the Conceptual Site Model (CSM) and further understand the hydrogeological regime via monitoring and remediation. We agree with the proposal to undertake this work.

We are aware of historic contamination (solvents and hydrocarbons) to the north of the site around Seal Sands. On site works should ensure that they do not connect to or exasperate the existing pollution. Existing pollution risks should be considered with the additional site investigation and CSM work to be completed.

Due to the proximity of the coast, the shallow system is likely to be impacted by tidal changes. This would include changes to shallow groundwater levels, flow mechanisms and potential variability in water quality. Sampling and monitoring should ensure that tidal impacts are accounted for.

As part of the historical land reclamation of the Seal Sands area, we are aware of the potential presence of a series of relic slag walls. Available information suggests several potential different arrangements of the slag walls. However, the true alignment, thickness and founding depth of the relic slag walls is unknown. Should relic slag walls be present with the development boundary, they will impact on the hydrogeological regime prevailing at the site and could form preferential contaminant pathways. Therefore, the risk of encountering these features should be considered within the risk assessment and mitigation measures identified, where required.

Chapter 19 Major Accidents and Disasters

Table 19.3 should include reference to the Environmental Permitting Regulations.

With respect to table 19.4,

- It is noted that climatological and meteorological factors are scoped out based on historic data. An assessment of the potential effects of climate change over the lifetime of the plant should be included, not just historic data.
- Developments in the Tees area have the potential to result in water demand exceeding supply capacity. Therefore, alternative sources of water should be considered at the FEED stage. Process water availability may become an issue post 2027/2030 as more decarbonising processes become operational within the Tees Cluster area. During drought conditions, Northumbrian Water are required to prioritise the provision of water to domestic residents.

- The applicant should also consider the salt caverns at Seal Sands, which are currently being considered for large scale temporary hydrogen storage and balancing.

We recommend that chapter 19 is updated to consider major accident hazards caused by operations and chemicals on site.

EA consents and permits

Flood Risk

The River Tees is a designated 'main river' and under the Environmental Permitting Regulations certain works within 16m of a tidal main river, or within 16m of any flood defence structure on a tidal main river, require a Flood Risk Activity Permit from the Environment Agency. Assessments are required for both the temporary and permanent works. You can find more information on permit requirements using the following link: [Flood risk activities: environmental permits - GOV.UK \(www.gov.uk\)](http://www.gov.uk). If a permit is required, it must be obtained prior to beginning the works.

Discharge of Trade Effluent

Effluent discharged from any premises carrying on a trade or industry and effluent generated by a commercial enterprise where the effluent is different to that which would arise from domestic activities in a normal home is described as trade effluent. If you are not able to discharge effluent, it will be classed as waste, and you must then comply with your duty of care responsibilities.

If Northumbrian Water accepts the flows at Bran Sands, then a permit will not be required. However, if Northumbrian Water do not accept the flows at Bran Sands, a permit would likely be required.

The separation, treatment and re-use of effluents is essential and will likely be refined during the FEED process. On-site denitrification of final effluents prior to discharge to Bran Sands must be considered at an early stage to prevent the discharge of an additional nutrient load into the river Tees. Early discussions with Northumbrian Water and Natural England are recommended.

If proposing to discharge to non-mains:

If you wish to discharge effluent, after appropriately treating it, to groundwater or surface water a permit under the Environmental Permit Regulations will be required. Full characterisation of the effluent will be required, and modelling may be required at the planning stage to determine the impact of the effluent on the receiving watercourse.

If proposing to discharge to mains:

A trade effluent consent or a trade effluent agreement with your water and sewerage company (in this case likely to be Northumbrian Water) must be obtained before you discharge trade effluent to a public foul sewer or a private sewer that connects to a public foul sewer.

Further guidance is available at [Pollution prevention for businesses - GOV.UK \(www.gov.uk\)](http://www.gov.uk) The below timescales apply if a discharge permit is needed:

Application Type	Current estimated time to produce water quality permit- (Allocation and determination time)
Simple Bespoke	32
Complex Bespoke	108

It may be that this application could be considered for prioritisation if it meets the EA's National Permitting Service's prioritisation criteria.

Discharge of Clean Water

Clean surface water (i.e., clean, uncontaminated rainwater from hard standing areas such as roads and car parks) can be discharged to a watercourse without a permit if the discharge passes through a maintained oil interceptor or Sustainable Urban Drainage System. Guidance about discharges to surface water and groundwater, including when you do and do not need a permit to discharge water is available at [Discharges to surface water and groundwater: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits)

If a water attenuation system is proposed it would be beneficial to see the details, methods, and maintenance of the system to ensure longevity and effectiveness.

Water Resources

Water Resource (Impoundment and Abstraction) Licences are issued by the Environment Agency under the terms of the Water Resources Act 1991 and the provisions of the Water Resources (Abstraction and Impounding) Regulations 2006. No other EA administered regulatory regime provides consent to create or modify an impoundment and / or abstracted water at volumes greater than 20m³/day. You should seek to fully understand the permissions required for your proposal and not presume consent for abstraction and impoundment activity is provided by other regulatory documents.

Abstraction Licence

If you intend to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose then you will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

Dewatering / Abstraction for Construction

Dewatering is the removal/abstraction of water in order to locally lower water levels near an excavation, or to remove water from a works area that has been temporarily created within a surface water course. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations. The dewatering activities could have an impact upon local wells, water supplies and/or watercourses and environmental interests.

This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations, or abstractions from surface water courses in order to enable construction that last longer than six months or which may impact on designated sites or species, and which occur at over 20 cubic metres a day, will require a water abstraction licence from us prior to the commencement of activities at the site.

Impoundment Licence

If you intend to impound a watercourse then you are likely to need an impounding licence from the EA. An impoundment is any dam, weir or other structure that can raise the water level of a water body above its natural level. A licence may be required for new structures, as well as for modifying any existing structure or removing an existing structure.

The following permits/ consents may also be applicable to the proposed DCO:

- Environmental Permitting Regulations (EPR) 2016 - section 1.1 Part A (1)) burning any fuel in an appliance with a rated thermal input of 50 or more megawatts, and section 6.10 Part A(1)(a) capture of carbon dioxide from an installation for the purposes of geological storage;
- A Radioactive Substances permit;
- A UK Emissions Trading Scheme permit;
- Hazardous Substances Consent;
- Control of Major Accident Hazards (COMAH) - may be required for the storage of by-product ammonia; and
- The volumes of class 2/3 flammables under Part 1 of The Planning (Hazardous Substances) Regulations 2015 should be considered, and the volume for the named substance Kerosene (including jet fuel) listed in Part 2 of the regulations.

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

Yours faithfully

Lucy Mo
Planning Technical Specialist - Sustainable Places

Direct dial [REDACTED]

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

From: [REDACTED]
To: [Lighthouse Green Fuels](#)
Subject: EN010150-000006
Date: 17 August 2023 16:41:44

Dear Sir/Madam,

I refer to your consultation regarding EN010150-000006, and can confirm Hartlepool Borough Council have no comments to make.

Thank you,
Laura

Laura Alderson BA Hons MSc MRTPI | Senior Planning Officer
Hartlepool Borough Council

Tel: [REDACTED]
Email: [REDACTED]@hartlepool.gov.uk

Web: www.hartlepool.gov.uk
Facebook: /hartlepoolcouncil
Twitter: @HpoolCouncil



[REDACTED]

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Mr Joseph Briody
The Planning Inspectorate

Direct Dial: [REDACTED]

Our ref: PL00793623
16 August 2023

Dear Mr Briody

EN010150 - Lighthouse Green Fuels Project - EIA Scoping Notification and Consultation

The proposed development is within an area characterised by previous intense industrial activity. The nearest designated heritage assets are relatively few but important in the industrial story of the Tees.

Of greatest significance is the grade II* listed Tees Transporter Bridge. This was opened in 1911 and has become both a testament to the country's engineering prowess and a defining regional landmark with its distinctive 'M' shaped silhouette.

The application proposes to 'scope out' cultural heritage as part of the EIA application. The scoping report cites, amongst other things, the longstanding existing industrial context in which designated heritage assets are situated and functionally relate to. It is suggested that either setting does not make an important contribution to the significance of the assets or, that the impact on setting would be a neutral, continuing one. This view is a reasonable one and the setting of heritage assets is often defined by their contrast to later developments, either industrial, cleared or regenerated sites.

It is noted that within the parameters indicated in Table 2-1 some elements are of a height comparable to or in excess of, that of the Transporter Bridge, mostly stacks but also the Gasification Plant and Auxiliary POX structures. The overall mass of the proposal and the distance between the main site and the bridge is probably enough to ensure that any visual height comparisons would not compete with or obscure, the landmark presence of the listed structure.

In EIA terms this would not amount to a significant heritage impact but should heritage impacts be considered at a subsequent stage, the impact on the Transporter Bridge as landmark structure should be assessed.

Yours sincerely,

Martin Lowe

Martin Lowe



BESSIE SURTEES HOUSE 41-44 SANDHILL NEWCASTLE-UPON-TYNE NE1 3JF

Telephone 0191 269 1255
HistoricEngland.org.uk





Historic England

Inspector of Historic Buildings and Areas

██████████@HistoricEngland.org.uk



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HistoricEngland.org.uk



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.



Maritime &
Coastguard
Agency

Helen Croxson
Maritime and Coastguard Agency
Bay 2/24
Spring Place
105 Commercial Road
Southampton
SO15 1EG

www.gov.uk/mca

8th August 2023

Via email: LighthouseGreen@planninginspectorate.gov.uk

Dear Stephanie,

Application by Lighthouse Green Fuels Limited (the Applicant) for an Order granting Development Consent for the Lighthouse Green Fuels Project (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for your letter dated 25th July 2023 inviting comments on the Scoping Report for the proposed Lighthouse Green Fuels project. The Scoping Report has been considered by representatives of UK Technical Services Navigation and the Maritime and Coastguard Agency (MCA) would like to respond as follows:

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations. The MCA would expect any works in the marine environment to be subject to the appropriate consents under the Marine and Coastal Access Act 2009 before carrying out any marine licensable works.

We note the proposals are to construct, operate and decommission the Proposed Scheme on land at Port Clarence, near Stockton-on-Tees, Teesside, which will be the UK's first commercial scale waste-to-SAF project to be constructed and would comprise the following key elements:

- SAF Plant;
- Feedstock Processing and Storage Area;
- Bulk Liquid Storage (for SAF and Naphtha);
- Pipeline and cable connections (import and export) and Utility Corridors;
- Flares;

- Internal Heavy Haul Road (for construction phase only);
- Internal Conveying Corridors;
- Rail Terminal; and
- Marine Transport Infrastructure (for construction and operational purposes).

The Proposed Scheme intends to utilise existing marine infrastructure for the construction and decommissioning phases (transportation of equipment and modular units) and during operation, for the transportation of final products.

We note that on this occasion the site falls within the jurisdiction of a Statutory Harbour Authority (SHA) – PD Ports and they are therefore responsible for maintaining the safety of navigation within their waters during the construction and the operational phase of the proposed scheme. A Navigation Risk Assessment (NRA) will be provided to support the Development Consent Order application, which the MCA welcomes, and the NRA will inform the proposed Marine Navigation chapter of the Environmental Statement (ES). We note that liaison with the SHA is currently ongoing and further baseline data will be collated to inform the Preliminary Environmental Impact Assessment (PEIR) and ES. The future baseline environment has not yet been determined and further consultation with the SHA will be undertaken.

We also note to proposal to ensure local stakeholder input and a hazard identification workshop will be held, to bring together relevant navigational stakeholders for the area to discuss the potential impacts on navigational safety. Decisions relating to further controls will be agreed in consultation with the SHA to determine whether an ALARP state has been met for each risk. The outputs of the NRA will be used to inform a judgement on significance of effects arising from the Proposed Scheme.

To address the ongoing safe operation of the marine interface for this project, the MCA would like to point the developers in the direction of the Port Marine Safety Code (PMSC) and its Guide to Good Practice. They will need to liaise and consult with the SHA and develop a robust Safety Management System (SMS) for the project under this code. From the Guide to Good Practice, section 7 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely. Section 7.8 Regulating harbour works covers this in more detail.

The MCA is satisfied with the scoping report at this stage as the basis for an Environmental Impact Assessment and an Environmental Statement from the shipping and navigation perspective, and supports the shipping and navigation related impact pathways which are proposed to be scoped in to the Environmental Statement during both the construction and operation of the development.

The MCA would expect every attempt to be undertaken by the applicant to resolve any concerns raised by the SHA and/or other interested parties.

We hope you find this information useful at scoping stage.

Yours sincerely,



Helen Croxson
Marine Licensing and Space Launch lead
UK Technical Services Navigation

cc'd: Calvin Baugh – Ports and VTS Advisor
Keeta Rowlands - UK Vessel Traffic Services Policy Officer
Mike Bunton – Head of Navigation

Stephanie Newman
Environmental Services
Planning Inspectorate
Operations Group 3
Temple Quay House
2 The Square
Bristol, BS1 6PN

Date: 18 August 2023

Our ref: 66618/01/NW/GB/26838382v2

Your ref: EN010150-000006

Dear Ms Newman

Response by Middlesbrough Development Corporation to EIA Scoping Report for the Lighthouse Green Fuels Project

We write in reference to your letter dated 25 July 2023 inviting Middlesbrough Development Corporation (MDC) to comment on the Environmental Impact Assessment ('EIA') Scoping Report in respect of the Development Consent Order (DCO) being prepared for the Lighthouse Green Fuels (LGF) Project. This letter comprises MDC's formal response to your request for comments on the EIA Scoping Report of the LGF Project.

On 1st June 2023, Middlesbrough Development Corporation was vested powers in relation to the functions of town and country planning and development control within the Mayoral Development Area (MDA). The MDA is located adjacent to the LGF Project site, on the opposite banks of the River Tees. The MDA is approximately 168 Ha, with its northern boundary forming the banks of the River Tees, its western boundary at Stockton Street and its eastern boundary at the eastern extent of Middlesbrough Football Club grounds. The northern boundary of the MDC is approximately 175m from the LGF Project site boundary.

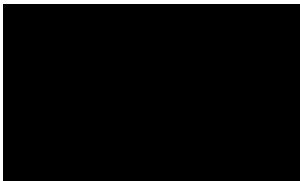
We have reviewed the EIA Scoping Report and wish to offer the following comments:

- 1 We agree with the topics proposed to be scoped into the ES, as set out in Chapters 5-21 of the EIA Scoping Report.
- 2 We have undertaken a high level review of the methodologies for each of the technical assessments provided within Chapter 5-21 of the EIA Scoping Report and have no specific comments to make except in respect of Cumulative Effects which are set out below.
- 3 We note Chapter 21 Cumulative Effects of the Scoping Report addresses the proposed methodology for assessing the cumulative effects of the LGF Project. Paragraph 21.3.14 sets out that in respect of 'Other Development' to be included in the cumulative list a series of criteria will be applied in order to determine the long-list of cumulative projects. This includes permitted applications and

submitted applications (via local authorities) which are yet to be determined or are subject to appeal. We would highlight the need to consult specifically with MDC in respect of the draft long list to ascertain the list of applications which are before MDC for determination. Paragraph 21.3.16 of the Scoping Report states that the long list has not been drafted at this stage but acknowledges that two Nationally Significant Infrastructure Projects have been identified, namely the H2 Teesside and Net Zero Teesside projects. The purpose of MDC is to transform Middlesbrough, with a focus on town centre regeneration, encouraging businesses back into the centre and building new, high quality housing. As such, considerable development activity is expected with the MDA and therefore there is the potential for cumulative effects in respect of the concurrent construction and operational phases of development within the MDA and the LGF Project. There is also the potential for new and/or shared sensitive receptors on which there may be the potential for cumulative effects. We therefore request that the Applicant enters into early consultation with MDC to identify cumulative projects within the MDA.

We acknowledge that the LGF Project is in the early stages of development and that the detail provided in the EIA Scoping Report requires further refinement and clarity prior to consultation on the Preliminary Environmental Impact (PEI) Report which is expected in due course. We look forward to being consulted in due course.

Yours sincerely



Gayle Black

Planning Director

BSc (Hons) MSc MRTPI REIA



Marine Management Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 (0)300 123 1032
www.gov.uk/mmo

Lighthouse Green Fuels Project Case
Team Planning Inspectorate
Lighthousegreen@planninginspectorate.gov.uk

Your reference: EN010150
Our reference:
DCO/2023/00004

By email only

22 August 2023

Dear Sir/Madam,

EN010150 Lighthouse Green Fuels Project Development Consent Order

Marine Licensing, Wildlife Licences and other permissions

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence



Marine
Management
Organisation

...ambitious for our
seas and coasts



<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/ukxi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

<https://www.gov.uk/guidance/make-a-marine-licence-application>

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for



implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A [map](#) showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our [Explore Marine Plans](#) service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the [Marine and Coastal Access Act](#) and the [UK Marine Policy Statement](#) unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service soundness self-assessment checklist](#). If you wish to contact your local marine planning officer you can find their details on our [gov.uk page](#).

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.



If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>.

Yours faithfully,

Nicola Wilkinson
Marine Licencing Case Manager

D [REDACTED]
E [REDACTED]@marinemanagement.org.uk



Our Ref: 30297710 EN010150 - Lighthouse Green Fuels Project FOR NGT
ONLY

Wednesday, 26 July 2023

Jackie Webb
National Grid House Gallows Hill, Warwick Technology Park, Warwick
Warwick
Warwickshire
cv246da

**National Gas Emergency Number:
0800 111 999***

*Available 24 hours, 7 days/week.
Calls may be recorded and monitored.
www.nationalgas.com

Asset Protection
National Gas Transmission
National Grid House
Warwick
CV34 6DA
Email: box.assetprotection@nationalgas.com
Tel: 0800 970 7000

National Gas Transmission – High Risk Response Letter

Dear Sir/ Madam,

An assessment has been carried out with respect to National Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be within the High Risk zone from National Gas Transmission plc's apparatus and you **MUST NOT PROCEED** without further assessment from Asset Protection.

Before you go ahead with these works, you are required to send your plans and a description for to us to review them at box.assetprotection@nationalgas.com. We will contact you within 28 days of receipt.

It is **YOUR** responsibility to take into account whether you are required to or would benefit from referring to the HSE Land Use Planning App (LUP), available from HSE's website. (Please note for some works this is a requirement for them to take place) More information on the LUP is available at <https://www.hse.gov.uk/landuseplanning/>

Please note this response and any attached map(s) are valid for 28 days.

Yours sincerely

Asset Protection Team

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near National Gas Transmission plc's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to National Gas Transmission plc (NGT)

This assessment does **NOT** include:

- National Gas Transmission's legal interest (easements or wayleaves) in the land which restricts activity in proximity to National Gas Transmission's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Asset Protection.
- Recently installed apparatus.
- Apparatus owned by other organisations, e.g. Cadent, National Grid Electricity Transmission plc, other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to National Gas Transmission plc easements or wayleaves nor any planning or building regulations applications.

National Gas Transmission plc or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Asset Protection team via e-mail (box.assetprotection@nationalgas.com) or via the contact details at the top of this response.

Are My Works Affected?

Is your proposal an Information Only or Planned Works Application?

Information Only

As your works are at an "Information Only" stage, any maps and guidance provided are for information purposes only. This is not approval to commence work. You must submit a "Planned Works" enquiry at the earliest opportunity and failure to do this may lead to disruption to your plans and works. Asset Protection will endeavour to provide an initial assessment within 28 days of receipt of a Planned Works enquiry and, dependent on the outcome of this, further consultation may be required. In any event, for safety and legal reasons, works must not be carried out until a Planned Works enquiry has been completed and final response received.

Planned Works

Your proposal is in proximity of National Gas Transmission plc's apparatus, as shown on the attached map, which may impact, and possibly prevent, your proposed activities for safety and/or legal reasons.

You must not commence any work until you have sent details to us at box.assetprotection@nationalgas.com and have received a response back confirming that we have no objections to the work taking place. You must read and follow all the guidance provided when planning or undertaking any activities at this location.

We will contact you within 28 working days of you providing us with the details of your work at the email address above. Please email, or call us at 0800 970 7000, if you have not had a response within this time frame.

Assessment

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- National Gas Transmission Pipelines and associated equipment

Requirements

National High Pressure Gas Pipelines

BEFORE carrying out any work you must:

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe National Gas Transmission's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near National Gas Transmission's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

DURING any work you must:

- Ensure that the National Gas Transmission requirements are followed for work in the vicinity of High pressure pipelines including the supervision of the digging of trial holes.
- Comply with all guidance relating to general activities and any specific guidance for each asset type as specified in the Guidance Section below.
- Ensure that access to National Gas Transmission apparatus is maintained at all times.
- Prevent the placing of heavy construction plant, equipment, materials or the passage of heavy vehicles over National Gas Transmission apparatus unless specifically agreed with National Gas Transmission in advance.
- Exercise extreme caution if slab (mass) concrete is encountered during excavation works as this may be protecting or supporting National Gas Transmission apparatus.
- Maintain appropriate clearances between gas apparatus and the position of other buried plant.

GUIDANCE

National Gas Transmission Network data

The Network map for National Gas Transmission assets can be downloaded at the following link in GIS format.

www.nationalgas.com/land-and-assets/network-route-maps

High Pressure Gas Pipelines Guidance:

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of National Gas Transmission High Pressure Gas Pipelines and Associated Installation – Requirements for Third Parties' (SSW22). This can be obtained from: <Link to SSW22 once it has been updated and signed off>

Essential Guidance document:

<https://www.nationalgas.com/sites/gas/files/documents/8589934982-Essential%20Guidance.pdf>

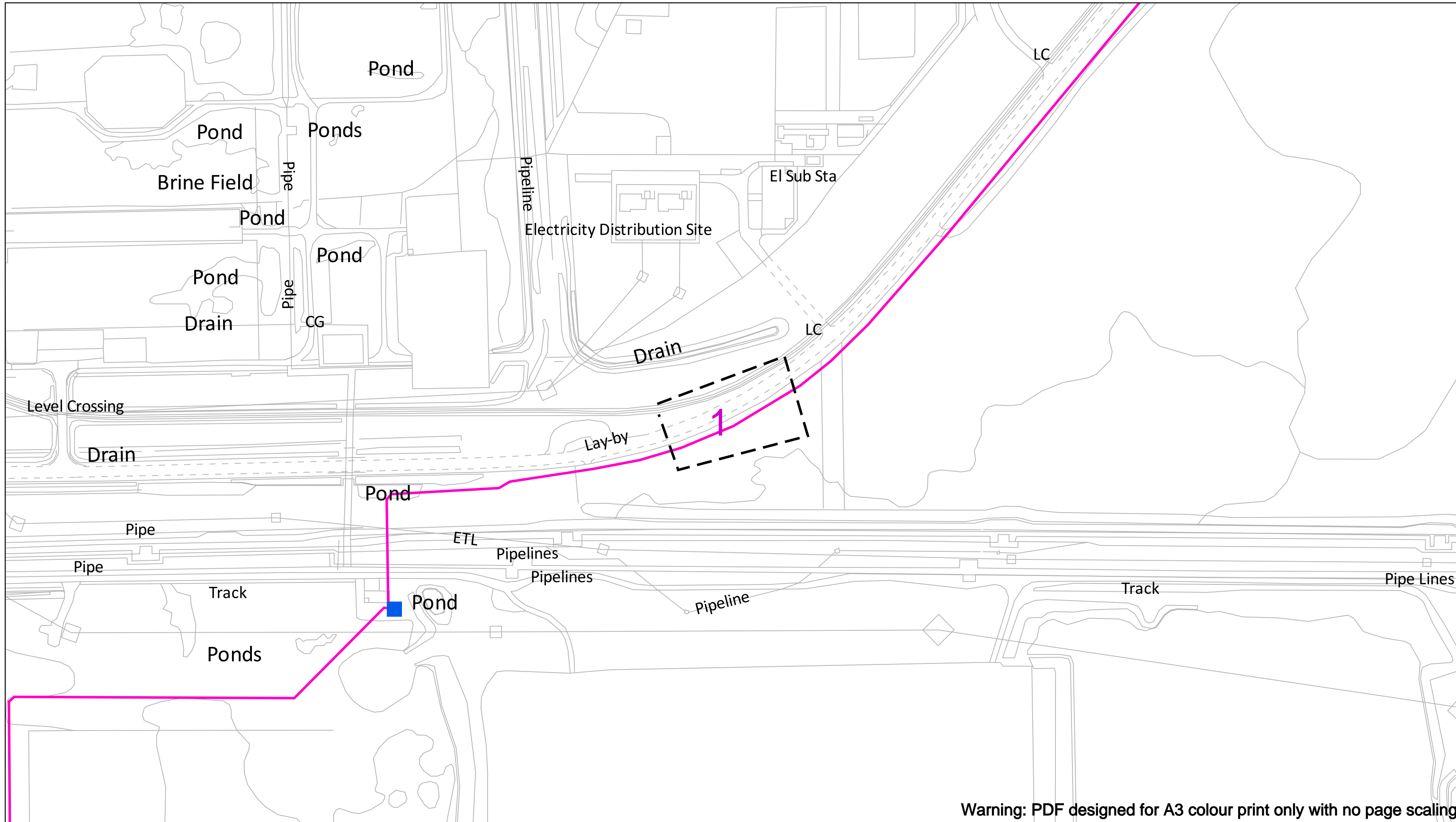
You should be aware of the following information regarding National Gas Transmission's high pressure underground pipelines and associated apparatus:

- Our underground pipelines are protected by permanent agreements with landowners or have been laid in the public highway under our licence. These grant us legal rights that enable us to achieve efficient and reliable operation, maintenance, repair and refurbishment of our gas transmission network. Hence we require that no permanent structures are built over or under pipelines or within the zone specified in the agreement, materials or soil are not stacked or stored on top of the pipeline route and that unrestricted and safe access to any of our pipeline(s) must be maintained at all times.
- The information supplied is given in good faith and only as a guide to the location of our underground pipelines. The accuracy of this information cannot be guaranteed. The physical presence of such pipelines may also be evident from pipeline marker posts. The person(s) responsible for planning, supervising and carrying out work in proximity to our pipeline(s) shall be liable to us, as pipeline(s) owner, as well as to any third party who may be affected in any way by any loss or damage resulting from their failure to locate and avoid any damage to such a pipeline(s).
- The relevant guidance in relation to working safely near to existing underground pipelines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance HS(G)47 "Avoiding Danger From Underground Services" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Our pipelines are normally buried to a depth of 1.2 metres or more below ground and further information may be found on the plans provided. Ground cover above our pipelines should not be reduced or increased.
- Any proposed cable crossings are subject to approval from National Gas Transmission, completion of a Deed of Consent and must remain a minimum of 600mm above or below the pipeline. All works associated with cable installation must be supervised by National Gas Transmission. Cables cannot be pulled through until a Deed of Consent is in place.
- If it is planned to use mechanical excavators and any other powered mechanical plant, it shall not be sited or moved above the pipeline.
- If it is planned to carry out excavation to a depth greater than 0.3 metres, embankment or dredging works, the actual position and depth of the pipeline must be established on site with our representative

and a safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.

- The digging of trial holes to locate the pipeline must be carried out under the supervision of our on-site representative following approval of RAMS. Excavation works may take place unsupervised no closer than 3 metres from the pipeline once its actual location has been confirmed. Similarly, excavation with handheld power tools may take place no closer than 1.5 metres away.
- For operational and safety reasons National Gas Transmission requires unrestricted access to our Above Ground Installations and Compressor Stations. We would request that any proposed changes to roads/layouts in the vicinity of our site have regard to the need to maintain access.
- Any construction traffic should either cross the pipeline using existing roads or at agreed crossing locations using agreed protective measures.
- Ground anchors for scaffolding stay wires should only be sited in the vicinity of the pipeline after the pipeline position has been confirmed on site with our representative and the ground anchor position agreed.
- If your proposals include the installation of wind turbines then the minimum separation between the pipeline and the nearest turbine should be 1.5 times the mast height.
- If your proposals include the installation of a Solar Farm, all assets must remain outside of the National Gas Transmission easement, all cable crossings must be agreed during the design stage, a Deed of Consent undertaken and an Earthing report must be provided for review. National Gas Transmission must retain access to its assets at all times once works have been completed.

The relocation of existing underground pipelines is not normally feasible on grounds of cost, operation and maintenance and environmental impact. Further details can be found in our specification for: safe working in the vicinity of National Gas Transmission high pressure gas pipelines and associated installations – requirements for third parties: T/SP/SSW/22 (see link above or copy enclosed)



Warning: PDF designed for A3 colour print only with no page scaling

Date Requested: 26/07/2023
 Job Reference: 30297710
 Site Location: 451705 523739
 Requested by:
 Miss Jackie Webb
 Your Scheme/Reference: EN010150 -
 Lighthouse Green Fuels Project FOR
 NGT ONLY
 Scale: 1:2500 (When plotted at A3)

IMPORTANT NOTICES
 This plan shows those pipes owned by National Gas Transmission PLC in its role as a licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regards to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Gas Transmission PLC or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.


National Gas Transmission Emergency Number: 0800 111 999
 Available 24 hours, 7 days/week. Calls may be recorded and monitored

Warning: PDF designed for colour print only with no page scaling

100m

Dig Sites Area: Line:

NHP Mains



National Gas Transmission
 National Grid House
 Warwick Technology Park
 Gallows Hill
 Warwick
 CV34 6DA
 box.assetprotection@nationalgas.com

ENQUIRY SUMMARY

Received Date

26/07/2023 10:51

Work Start Date

15/08/2023

Your Reference

EN010150 - Lighthouse Green Fuels Project FOR NGT ONLY

Location

Centre Point: 451705 523739

X Extent:

Y Extent:

Postcode: TS2 1UE

Map Options

Paper Size: A3

Orientation: LANDSCAPE

Scale: 1:2500

Real World Extents: 105m x 79m

Enquirer Details

Organisation Name: National Grid

Contact Name: Jackie Webb

Email Address: [REDACTED]@nationalgas.com

Telephone: [REDACTED]

Address: National Grid House Gallows Hill, Warwick Technology Park, Warwick, Warwick, Warwickshire, cv246da

Enquiry Type

Planned Works

Activity Type

Planning Applications

Work Types

Solar Farm

Notes/Works Description (if supplied)

LIGHTHOUSE GREEN FUELS DCO Lighthouse Green Fuels <LighthouseGreen@planninginspectorate.gov.uk>

Site Contact Name (if supplied)

Jackie Webb

Site Contact Number (if supplied)

[REDACTED]

From: [NATS Safeguarding](#)
To: [Lighthouse Green Fuels](#)
Subject: RE: EN010150 - Lighthouse Green Fuels Project - EIA Scoping Notification and Consultation [SG35814]
Date: 01 August 2023 14:33:12
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image016.png](#)

Our Ref: SG35814

Dear Sir/Madam

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

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

Yours faithfully

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



Date: 22 August 2023
Our ref: 443237
Your ref: EN010150



Stephanie Newman
The Planning Inspectorate
LighthouseGreen@planninginspectorate.gov.uk
BY EMAIL ONLY

Consultations
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 900

Dear Stephanie Newman

Environmental Impact Assessment Scoping consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11

Proposal: Application by Lighthouse Green Fuels Limited (the Applicant) for an Order granting Development Consent for the Lighthouse Green Fuels Project (the Proposed Development) – Environmental Impact Assessment Scoping Consultation
Location: Land at Port Clarence, near Stockton-on-Tees, Teesside

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 25 July 2023, received on 25 July 2023.

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

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

Natural England and the applicant are engaged in ongoing discussions on a number of impacts that we have highlighted as having the potential to adversely affect the nearby designated sites of nature conservation. Based on these discussions, we are confident that the applicant will undertake the required assessments and surveys to identify where impacts are likely, which will inform any further mitigation measures.

Detailed advice on scoping the Environmental Statement is available in the attached Annex.

For any further advice on this consultation please contact the case officer Nick Lightfoot and copy to consultations@naturalengland.org.uk.

Yours sincerely

Nick Lightfoot

1. General Principles

1. Through ongoing discussions with the Applicant and a review of the Lighthouse Green Fuels Environmental DCO: Impact Assessment Scoping Report (July 2023) Natural England is confident that the general principles (set out below) will be addressed through the ES.
 - i. Regulation 11 of the Infrastructure Planning Regulations 2017 - (The EIA Regulations) sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:
 - ii. A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
 - iii. Appropriately scaled and referenced plans which clearly show the information and features associated with the development
 - iv. An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
 - v. A description of the aspects and matters requested to be scoped out of further assessment with adequate justification provided¹.
 - vi. Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
 - vii. A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
 - viii. A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
 - ix. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
 - x. An outline of the structure of the proposed ES

2. Cumulative and in-combination effects

1. 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.

¹ National Infrastructure Planning (planninginsepectorate.gov.uk) Insert 2 – information to be provided with a scoping request, Advice Note Seven, Environmental Impact Assessment, Process, Preliminary Environmental Information and Environmental Statements

2. 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):

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

3. Environmental data

1. Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at: <http://www.naturalengland.org.uk/publications/data/default.aspx>.
2. Detailed information on the natural environment is available at www.magic.gov.uk. This includes Marine Conservation Zone GIS shapefiles.
3. Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geportal](#).
4. Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

4. Biodiversity and Geodiversity

1. The assessment will need to include potential impacts of the proposal upon sites and features of nature conservation interest as well as opportunities for nature recovery through biodiversity net gain (BNG). There might also be strategic approaches to take into account.
2. Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. [Guidelines](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).
3. Many public authorities e.g. National Highways, National Grid have biodiversity duties including taking opportunities for habitat restoration or enhancement. They might have Key Performance Indicators (KPIs) to adhere

to via Government policy or have agreed approaches to BNG. Further information around general duties is available [here](#).

5. International and Habitats Sites

1. The development site is within or may impact on the following nature conservation sites, which are part of the National Site Network or have been internationally designated:
 - Teesmouth and Cleveland Coast Special Protection Area
 - Teesmouth and Cleveland Coast Ramsar site
2. The ES should thoroughly assess the potential for the proposal to affect internationally designated sites of nature conservation importance / Habitats sites, including marine sites where relevant. This includes Special Protection Areas (SPA), Special Areas of Conservation (SAC), listed Ramsar sites, candidate SAC and proposed SPA.
3. Article 6 (3) of the Habitats Directive requires an appropriate assessment where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other plans or projects.

Table 1: Potential risk to International designated sites: the development is within or may impact on the following Habitats Sites/Internationally designated site(s)

Site name with link to conservation objective	Features which the ES will need to consider	Potential impact pathways where further information/assessment is required.
Teesmouth and Cleveland Coast Special Protection Area See the Conservation Advice Package for detailed information on this site and its reasons for designation.	Avocet (<i>Recurvirostra avosetta</i>) – Breeding Common tern (<i>Sterna hirundo</i>) – Breeding Knot (<i>Calidris canutus</i>) – Non-breeding Little tern (<i>Sternula albifrons</i>) – Breeding Redshank (<i>Tringa totanus</i>) – Non-breeding Ruff (<i>Calidris pugnax</i>), – Non-breeding	<u>Potential Noise/Visual Disturbance Impacts</u> The proposed development has the potential to result in noise and visual to the qualifying features of the SPA/Ramsar. Natural England recommends an approach to noise assessments that considers the likely maximum noise levels, as well as the change from average baseline noise. Where there is a 3dB change from the baseline, we recommend that further investigation should be undertaken to determine the site's qualifying features could be affected and what those effects would

<p>Sandwich tern (<i>Thalasseus sandvicensis</i>) – Non-breeding</p> <p>Waterbird assemblage – Non-breeding</p>	<p>be. This should consider the frequency and duration of likely impacts.</p> <p>Visual disturbance could occur where construction or operational activities are located in close proximity to important areas of the SPA/Ramsar for the qualifying features. Natural England recommends that any significant short-term activities or long-term operations that would create new source of visual disturbance should be considered in the assessment.</p>
	<p><u>Potential Air Quality Impacts</u></p> <p>The proposed development is likely to result in emissions of pollutants and nutrients that have the potential to adversely affect the supporting habitats of the site’s qualifying features. Therefore, a robust approach to assessing these impacts should be taken in the ES.</p> <p>See section 11 for general guidance about assessing air quality impacts.</p> <p><u>Potential Water Quality Impacts</u></p> <p>The proposed development has the potential to result in the discharge of process-related wastewaters, which may contain nitrogen and/or other pollutants that could negatively impact the water quality of the SPA.</p> <p>In March 2022, Natural England issued advice to all competent authorities regarding the impacts of excess levels of nitrogen and phosphorous on certain Habitats Sites. The Teesmouth and Cleveland Coast SPA/Ramsar is subject to this advice as a result of excess levels of nitrogen in the Tees Estuary, which have resulted in the growth of opportunistic macroalgae on key foraging grounds for the site’s qualifying features.</p> <p>Further information about this advice can be found here: Strategic Solutions:</p>

		Nutrient Neutrality (naturalengland.org.uk)
<p>Teesmouth and Cleveland Coast Ramsar</p> <p>See the relevant Information Sheet for detailed information on this site and the reasons for its designation.</p>	<p>Knot (<i>Calidris canutus islandica</i>) – Wintering</p> <p>Redshank (<i>Tringa tetanus</i>) – Passage</p> <p>Sandwich tern (<i>Thalasseus sandvicensis</i>) – Passage</p> <p>Waterbird assemblage – Wintering</p>	

6. Nationally designated sites – Sites of Special Scientific Interest

1. The development site is within or may impact on the following Site of Special Scientific Interest (SSSI):
 - Teesmouth and Cleveland Coast SSSI
2. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

Table 2: Potential risks to nationally designated sites: the development is within or may impact on the following

Site name with link to citation	Features which the ES will need to consider	Potential impact pathways where further information /assessment is required
<p>Teesmouth and Cleveland Coast</p> <p>For further information about this site, its special interest features and the reasons for its designation, see here: Teesmouth and Cleveland Coast SSSI Site Details</p>	<p>Aggregations of breeding birds</p> <p>Aggregations of non-breeding birds</p> <p>Common seal, <i>Phoca vitulina</i></p> <p>Hettangian</p> <p>Sinemurian and Pliensbachian</p> <p>Geological Features</p>	<p>Our advice regarding the potential impact pathways on the Teesmouth and Cleveland Coast SSSI broadly coincides with those set out in Table 1 above for the corresponding Habitats sites. However, we highlight that Teesmouth and Cleveland Coast SSSI is designated for a wider range of birds, Common Seal, coastal dune habitats, and geological features. Therefore, potential impacts on these features should also be considered in the relevant assessment.</p>

	<p>Quaternary of Northern England Geological Features</p> <p>Fixed dune grassland</p> <p>Humid dune slacks</p> <p>Invertebrate assemblage F111 bare sand & chalk</p> <p>Sand dune; strandline, embryo and mobile dunes</p>	<p>In particular, we would like to highlight the following potential impacts:</p> <p><u>Noise and Visual Disturbance</u> Common Seal are particularly vulnerable to impacts from noise and disturbance during the pupping season and to a lesser extent during the moulting season. Therefore, any activities located in a relevant location that are likely to cause disturbance should be scheduled to take place outside of these periods.</p> <p><u>Air Quality</u> Coastal dune and grassland habitats are sensitive to changes in air quality and the deposition of pollutants (nutrient nitrogen and ammonia). The applicant has stated that a full air quality assessment will be undertaken and will have regard to the relevant critical loads and levels.</p> <p>Nevertheless, we would like to highlight a recent update to the APIS system, which amended a number of critical load ranges. This included the Critical Load for Coastal Dune Grasslands (grey dunes), which has been reduced to 5 to 15 kg N ha⁻¹ yr⁻¹ for both acid and calcareous types.</p>
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3. Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 (as amended). Further information on the SSSI and its special interest features can be found at www.magic.gov.
4. Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

7. Protected Species

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

2. The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.
3. Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required. Applicants can also make use of Natural England's (NE) charged service [Pre Submission Screening Service](#) for a review of a draft wildlife licence application.

8. Priority Habitats and Species

1. Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.
2. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).
3. An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.
4. The Environmental Statement should include details of:
 - Any historical data for the site affected by the proposal (e.g. from previous surveys)
 - Additional surveys carried out as part of this proposal
 - The habitats and species present
 - The status of these habitats and species (e.g. whether priority species or habitat)
 - The direct and indirect effects of the development upon those habitats and species
 - Full details of any mitigation or compensation measures
 - Opportunities for biodiversity net gain or other environmental enhancement

9. Biodiversity net gain

1. The Environment Act 2021 includes NSIPs in the requirement for Net Gain but the implementation details including what marine net gain means is not yet clear and not likely to come into force until November 2025.

2. National Policy Statements are also being reviewed to incorporate these changes. Some developers also have made commitments e.g. National Grid to deliver a 10% BNG. Others have overarching KPIs within their funding periods.
3. We should continue to push developers to deliver BNG and refer to our sector specific guidance and BNG guidance where you can. For some developers who have big programmes of work across their estate or who have started projects some years ago they might still be using a previous version of the Metric. Some might have already shared what their programme is and where they will be delivering their gains. On those projects where they are not predicting gains we should encourage developers to maximise and take opportunities as they build out their projects.
4. The ES should use an appropriate biodiversity metric such as [Biodiversity Metric 4.0](#) together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.
5. The metric should be used to:
 - assess or audit the biodiversity unit value of land within the application area
 - calculate the losses and gains in biodiversity unit value resulting from proposed development
 - demonstrate that the required percentage biodiversity net gain will be achieved
6. Biodiversity Net Gain outcomes can be achieved on-site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies. These are prepared by local planning authorities.

10. Connecting People with nature

1. The ES should consider potential impacts on public rights of way and the King Charles III England Coast Path, as well as coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100 and there will be reference in the relevant National Policy Statement. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced. For The further information regarding the King Charles III England Coast Path, see the [National Trails website](#).
2. Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the

development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

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

11. Air Quality

1. Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg) ^[1]. A priority action in the [England Biodiversity Strategy](#) is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NO_x and SO₂ against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.
2. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts of air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk).
3. Natural England has produced guidance for public bodies to help assess the impacts of road traffic emissions to air quality capable of affecting European Sites. [Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations - NEA001](#)
4. Information on air pollution modelling, screening and assessment can be found on the following websites:
 - SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
 - Ammonia assessment for agricultural development <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
 - Environment Agency Screening Tool for industrial emissions <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
 - Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

^[1] [Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK](#)

12. Climate Change

1. 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 174), which should be demonstrated through the ES.

From: [Town Planning LNE](#)
To: [Lighthouse Green Fuels](#)
Subject: Ref EN010150-000006 - Lighthouse Green Fuels Limited Scoping Opinion
Date: 21 August 2023 12:21:32
Attachments: [lmaoe001.onq](#)

OFFICIAL

Network Rail Consultation Response

FAO:	The Planning Inspectorate
Date:	21 August 2023
Application reference:	EN010150-000006
Proposal:	Lighthouse Green Fuels Limited Scoping Opinion
Location:	Lighthouse Green Fuels Project

Thank you for your recent correspondence relating to the above scoping consultation.

Network Rail is a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests, will need to be carefully considered.

Impact on Network Rail Infrastructure

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

In addition, should any part of the scheme require the use of, or access across railway land including the operational railway itself, the developer will be required to obtain the necessary agreements and consents (easement agreements, licences etc) from Network Rail going forward. We would strongly recommend that they engage with us early in the development of their scheme to ensure such matters are resolved well in advance.

Summary

Network Rail would be grateful if the comments above are considered by The Planning Inspectorate. Network Rail would welcome further discussion and negotiation with The Planning Inspectorate and Lighthouse Green Fuels Limited in relation to the proposed development as required going forward. If you have any questions or require more information in relation to the above please let me know.

Kind regards



Matt Leighton
Town Planning Technician
Diversity and Inclusion Champion
Network Rail Property - Eastern Region
George Stephenson House, Toft Green, York, YO1 6JT

Please note I am on study leave on Wednesdays for the foreseeable future and will be unavailable on these days

.....

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Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Network Rail, Waterloo General Office, London, SE1 8SW.

.....

Complex Land Rights

Ellie Laycock

Development Liaison Officer

UK Land and Property

██████████@nationalgrid.com

Tel: ██████████

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:
LighthouseGreen@planninginspectorate.gov.uk

14 August 2023

Dear Sir/Madam

**APPLICATION BY LIGHTHOUSE GREEN FUELS LIMITED (THE APPLICANT)
FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE
LIGHTHOUSE GREEN FUELS PROJECT (THE PROPOSED DEVELOPMENT)**

SCOPING CONSULTATION RESPONSE

I refer to your letter dated 25th July 2023 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET). Having reviewed the scoping report, I would like to make the following comments regarding NGET infrastructure within or in close proximity to the current red line boundary.

NGET has high voltage electricity overhead transmission lines within the scoping area. The overhead lines form an essential part of the electricity transmission network in England and Wales.

Overhead Lines

XA 400kV OHL	Lackenby – Norton
	Hartlepool – Tod Point
ZZA 400kV	Hartlepool – Tod Point
	Lackenby - Norton

Associated cable fibre

I enclose a plan showing the location of NGET's apparatus in the scoping area.

Specific Comments – Electricity Infrastructure:

- NGET's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. NGET recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004)”.
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) 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.
- NGET 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 NGET 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 NGET 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.

To download a copy of the HSE Guidance HS(G)47, please use the following link:
<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Further Advice

We would request that the potential impact of the proposed scheme on NGET'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, NGET is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET. 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 NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

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

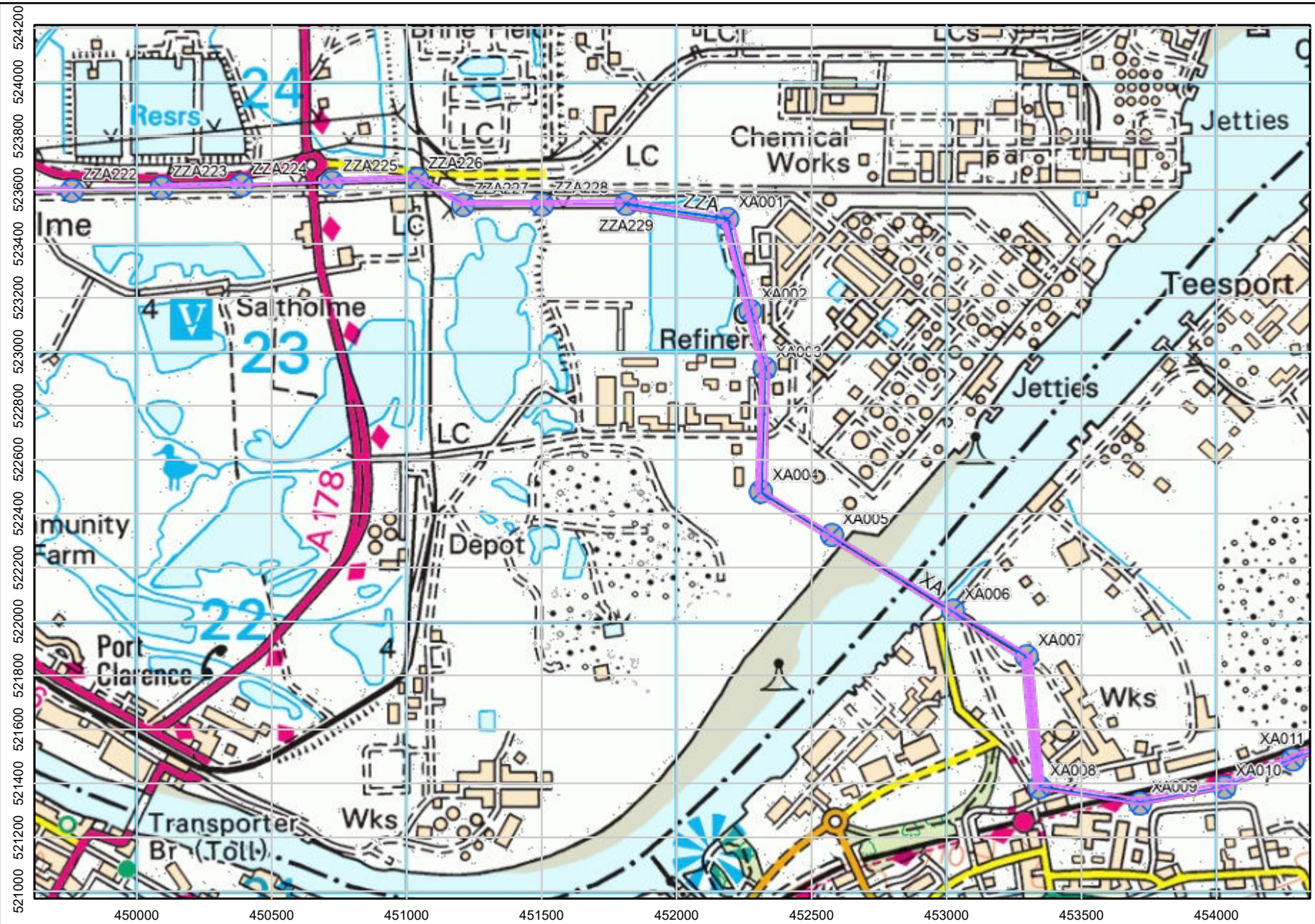
I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

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

Yours faithfully



Ellie Laycock
Development Liaison Officer, Complex Land Rights



Legend

Fibre Cable

- Fibre Cable
- Commissioned

Towers

- Towers
- Commissioned

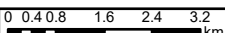
OHL 400Kv

- OHL 400Kv
- Commissioned

OHL Circuits

- Commissioned

Notes





Proposed DCO Application by Lighthouse Green Fuels Limited for Lighthouse Green Fuels Project

Royal Mail response to ES Scoping Consultation

Under section 35 of the Postal Services Act 2011, Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

Royal Mail's performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project. Accordingly, Royal Mail seeks to take all reasonable steps to protect its assets and operational interests from any potentially adverse impacts of proposed development.

Royal Mail's advisor BNP Paribas Real Estate has reviewed the ES Scoping Report for this scheme dated July 2023. There are five operational Royal Mail properties within 5 miles of the proposed DCO application site.

The construction of this infrastructure proposal has been identified as having potential to impact on Royal Mail operational interests. However, at this time Royal Mail is not able to provide a consultation response due to insufficient information being available to adequately assess the level of risk to its operation and the available mitigations for any risk. Consequently, at this point Royal Mail wishes to reserve its position to submit a consultation response/s at a later stage in the consenting process and to give evidence at any future Public Examination, if required.

In the meantime, any further consultation information on this infrastructure proposal and any questions of Royal Mail should be sent to:

Holly Trotman [REDACTED] (@royalmail.com), Senior Planning Lawyer, Royal Mail Group Limited

Daniel Parry Jones [REDACTED] (@realestate.bnpparibas), Director, BNP Paribas Real Estate

Please can you confirm receipt of this holding statement by Royal Mail.

End

From: [Elaine Atkinson](#)
To: [Lighthouse Green Fuels](#)
Subject: EN010150-000006
Date: 17 August 2023 11:10:26
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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I can confirm I have review the submitted scoping document and Stockton Borough Council have no additional comments to make.

Elaine Atkinson

Principal Planning Officer
Stockton-on-Tees Borough Council

Telephone: [REDACTED] | Email: [REDACTED]@stockton.gov.uk | Web: www.stockton.gov.uk



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BOROUGH COUNCIL

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Although we have endeavoured to ensure that this e mail and any attachments are free from any virus we would advise you to take any necessary steps to ensure that they are actually virus free.

From: [Stephen Vanstone](#)
To: [Lighthouse Green Fuels](#)
Cc: [Trevor Harris](#); [Amel Mesbah](#); [Russell Dunham](#)
Subject: RE: EN010150 - Lighthouse Green Fuels Project - EIA Scoping Notification and Consultation
Date: 21 August 2023 15:44:37
Attachments: [image006.png](#)
[image007.png](#)
[image010.png](#)
[image011.png](#)
[Letter to stat cons Scoping & Req 11 Notification.pdf](#)

Good afternoon Joseph/Stephanie,

I note that any marine impact relating to the proposed development area would lie within the jurisdiction of PD Teesport. Therefore, Trinity House advise that any marine impacts should be fully assessed in consultation with PD Teesport and any risk mitigation measures should be agreed with them in the first instance.

Kind regards,

Stephen Vanstone

Navigation Services Manager | Navigation Directorate | Trinity House

[\[REDACTED\]@trinityhouse.co.uk](#) | [\[REDACTED\]](#)

www.trinityhouse.co.uk



TRINITY HOUSE



UK Health
Security
Agency

Environmental Hazards and Emergencies Department
Seaton House, City Link
London Road
Nottingham, NG2 4LA

nsipconsultations@ukhsa.gov.uk
www.gov.uk/ukhsa

Your Ref: EN010150-000006
Our Ref: 64026

Ms Stephanie Newman
Environmental Services
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol BS1 6PN

15th August 2023

Dear Ms Newman

**Nationally Significant Infrastructure Project
Lighthouse Green Fuels Limited, EN010150-000006
Scoping Consultation Stage**

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided below is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up, to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report we wish to make the following specific comments and recommendations:

Environmental Public Health

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 Environmental Statement (ES). We believe 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. UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*¹, setting out aspects to be addressed within the Environmental Statement¹. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

Recommendation

Our position is that pollutants associated with road traffic or combustion, particularly particulate matter and oxides of nitrogen are non-threshold; i.e, an exposed population is likely to be subject to potential harm at any level and that reducing public exposure to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards will have potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure) and maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.

Water quality

It is noted that the current proposals do not appear to consider possible health impacts of emissions to water.

Recommendation

We request that an assessment of any relevant emissions to water at all phases of the Proposed Scheme is conducted, compared to relevant standards, and appropriate design, prevention and mitigation measures for protection of public health are provided.

¹
<https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658>

Incidents, accidents, and other hazards

There is currently limited information on potential incidents or accidents such as chemical spills which may occur at each phase of the Proposed Scheme, their potential impacts on human health and relevant prevention measures and emergency plans.

Recommendation

We request that all potential spills, incidents and accidents are considered, and appropriate risk assessments conducted to understand the potential impacts to human health, with appropriate accident management plans, fire prevention plans and mitigation measures provided.

EMF

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF).

Recommendation

We request that the ES clarifies this and if necessary, the proposer should confirm either that the proposed development does not impact any receptors from potential sources of EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES.

Human Health and Wellbeing - OHID

This section of OHID's response, identifies the wider determinants of health and wellbeing we expect the ES to address, to demonstrate whether they are likely to give rise to significant effects. OHID has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements. The four themes are:

- Access
- Traffic and Transport
- Socioeconomic
- Land Use

Having considered the submitted Scoping Report OHID wish to make the following specific comments and recommendations.

Methodology - Determination of population and human health significant effects

Paragraph 3.11.1 lists those chapters to be included within the ES, yet the scoping report demonstrates that population and human health will, in part be assessed.

It is noted that the Population and Human Health Chapter assessment of significance proposed to use DMRB LA104, LA112 and Chapter 3 of the scoping report. It is unclear how these different approaches will be applied and are not the most appropriate methodological

approaches. LA104 and LA 112 are issued by National Highways to support highway scheme assessments and are currently under review.

The most current and relevant guidance that has been issued by the Institute of Environmental Management and Assessment (IEMA) should be used as the basis for the assessment of significance.

The scoping report also proposed to scope out human health, despite several technical chapters, being determinants of health, which will directly or indirectly impact on human health. Billingham health and deprivation data identifies this particular community to be highly sensitive (para 16.4.17) and contain vulnerable populations listed within the scoping report (para 16.5.3). There is no supporting justification to scope out human health. Human health should not be scoped out without suitable and sufficient justification and in agreement with OHID/UKHSA and local Directors of Public Health.

Recommendations

The final ES must provide an assessment of significance of population and human health effects for those health determinants scoped into the ES and should draw upon other relevant chapters, such as air quality, noise, socio-economics, traffic and transport.

The proposed methodological approaches to assessment of significance for population and human health are not appropriate. Guidance on determining significance for human health in EIA (Pyper, R et al., 2022), published by the Institute of Environmental Management and Assessment (IEMA) should be used as the basis for the assessment of significance. The final ES should provide suitable justification for any assessment of significance.

Physical activity and active travel / access to open space

The report identifies significant potential impact through the temporary loss or change in formal Public Rights of Way (PRoW), the existing road network and national cycle networks. Physical activity forms an important part in helping to promote healthy weight environments and as such it is important that any changes have a positive long term impact where possible. The report identifies Billingham South ward as having a higher percentage of obese children in both reception year and year 6 compared to national averages, as well as significantly higher emergency hospital admissions for coronary heart disease, emergency admissions for COPD, deaths from respiratory disease, limiting long term illness and disability. (Para 16.4.17).

The report does not identify how the frequency of use for these routes will be determined. The determination of sensitivity and magnitude must include reference to the usage of each PRoW, bridleway or cycle route. In addition to public authority consultation usage insights can also be gained through community consultation.

Paragraph 16.4.5. lists Westlowthian Street allotments located 120m north of the Site allotments as a community asset. No allotment of this name could be found. Details and location of this allotment should be made clear.

Recommendations

Local consultation with the community and an assessment of the routes directly affected should indicate likely usage levels. This data should be used to review the allocation of sensitivity, magnitude and final assessment of significance to each of the affected PRow or cycle networks.

The ES should include details of the PRow management plan that identifies specific mitigation and enhancements proposed during the construction and operational phase of the scheme.

Traffic and Transport

The Traffic and Transport Study Area will primarily be based upon 'Rule 1' and 'Rule 2' of the IEMA Guidelines which can be used to determine the effect of increased traffic volumes on links within the Study Area. The latest version of the IEMA guidelines should be used to form the basis of the assessment.

It is noted that the operational aspects in relation to transport is intended to be scoped out on the basis of compliance with extant planning permission for the site. Suitable evidence should be submitted within the ES to support the assumption that vehicle movements will be within 10% of the existing planning permission conditions.

Recommendations

The traffic and transport assessment should be completed in accordance with the latest IEMA Guidance - Environmental Assessment of Road Traffic and Movement².

Any sensitive location identified under Rule 2 of the IEMA guidelines should be identified and reported within the ES.

Suitable evidence should be submitted within the ES to support the assumption that vehicle movements will be within 10% of the existing planning permission conditions.

Socio-economic effects - employment

The scoping report identifies that the applicant would work proactively to provide local employment opportunities and to enable access to training where possible (para 15.6.1). The opportunity for local employment and training during construction and operation of the scheme should be used to assist in mitigating local deprivation levels.

² David, S, Hoare. D, Howard. R, Ross. A. (2023) Institute of Environmental Management and Assessment of Road Traffic and Movement

Recommendation

The ES should include details of how local employment opportunities and access to training will be provided and how this links to local economic and employment strategies.

Consultation

It is noted that specific consultation is to be undertaken with a range of stakeholders. It should be noted that Public Health England disbanded in October 2021 and was replaced with OHID and the UKHSA. These organisations should replace PHE within the list of stakeholders

Yours sincerely

On behalf of UK Health Security Agency

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