



The SCOPING OPINION:

Proposed Teesside Flexible Regas Port

Case Reference: EN040001

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

22 April 2024



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1. INTRODUCTION

1.0.1 On 11 March 2024, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Teesside Flexible Regas Port Limited (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Teesside Flexible Regas Port 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'.

1.0.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from:

Scoping Report – Volume I Main Text

<http://infrastructure.planninginspectorate.gov.uk/document/EN040001-000032>

Scoping Report – Volume II Appendices

<http://infrastructure.planninginspectorate.gov.uk/document/EN040001-000029>

Scoping Report – Volume III Figures

<http://infrastructure.planninginspectorate.gov.uk/document/EN040001-000030>

1.0.3 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.

1.0.4 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.

1.0.5 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.

- 1.0.6 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.
- 1.0.7 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/>
- 1.0.8 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 (e.g. 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 1.1.5	Descriptions of vessel size	The term "beam" does not appear to be defined in Appendix 1-1. Any technical terminology should be clearly defined in the relevant aspect chapters of the ES or an appended glossary.
2.1.2	Paragraphs 1.1.5, 2.2.12 and 2.3.4	Intertidal foreshore	<p>There is inconsistency in the Scoping Report of how the intertidal foreshore is described, and how it will be managed. Paragraph 1.1.5 states that the intertidal area will be removed, whereas 2.2.12 implies that not all of the foreshore will be removed. Paragraph 2.3.4 describes the area as a similar area of intertidal foreshore proposed to be removed as part of the consented Northern Gateway Container Terminal.</p> <p>The ES should clearly describe the area of intertidal foreshore which is planned to be removed. Details regarding the volume of material and how it will be managed should be set out in the Materials and Waste chapter of the ES.</p>
2.1.3	Paragraphs 1.1.5, 2.3.4 and 2.3.6	Terminology of habitat mitigation works	<p>The Scoping Report uses interchangeable terminology associated with habitat mitigation:</p> <ul style="list-style-type: none"> • Paragraph 1.1.5 refers to habitat compensation to mitigate the loss of the intertidal foreshore; • Paragraph 2.3.4 refers to 'habitat creation' being considered to mitigate the loss of the intertidal foreshore; and

ID	Ref	Description	Inspectorate's comments
			<ul style="list-style-type: none"> Paragraph 2.3.6 refers to habitat restoration required to be undertaken by PD Ports as part of the Northern Gateway Container Terminal <p>The ES should clearly define where any habitat works are to take place (on or off site), and where off site and potentially outside of the red line boundary, how this is assessed in the ES and secured in the draft Development Consent Order (dDCO).</p>
2.1.4	Paragraph 2.3.4	Location of the Regas and storage area	Based on the requirement for the Regas and storage area to be close to the jetty, the Scoping Report indicates that an area of derelict land owned by Navigator Terminals Seal Sand Ltd is to be used. The ES should explain agreement between the Applicant and Navigator Terminals Seal Sand Ltd for building the Regas and storage area in the proposed location.
2.1.5	Paragraph 2.3.39	Onsite substation	Paragraph 2.3.39 of the Scoping Report states that an electrical substation and switch room may be included as part of the regasification plant, but no other information appears to be provided. The ES should detail every part of required infrastructure and report any LSE in relevant chapters of the ES.
2.1.6	Paragraph 2.3.41	Presentation of two pipeline options	<p>The Scoping Report provides limited information as to why two routes are considered. The information provided indicates that the northern route is longer, contains more environmental constraints (such as being adjacent to Teessmouth NNR and partially located in Flood Zones 2 / 3), does not currently have any commercial agreement and the condition of the existing pipeline is unknown.</p> <p>The ES should provide a justification of either the retention of both options or the selection of the finalised option in the submission documents.</p>

ID	Ref	Description	Inspectorate's comments
2.1.7	Table 2-4 / Paragraph 2.5.12	Working corridor width for pipeline installation	<p>The Scoping Report is inconsistent in its description of the anticipated pipeline working width. Table 2-4 suggests a working width of 115m, and paragraph 2.5.12 states 50m.</p> <p>The ES should be consistent in its description of the parameters and construction methods of the Proposed Development.</p> <p>Given the environmental constraints in the vicinity of the export pipeline options, the ES should justify the width of the cable corridor in relation to the diameter of the cable.</p>
2.1.8	Paragraph 2.5.22	Offsite logistics and storage area	<p>Paragraph 2.5.22 refers to the possibility of an 'offsite logistics and storage area' which may be required. The location of this is not currently known. The ES should provide details regarding the location and dimensions of this facility. An assessment should be made of likely significant effects which may occur as a result of this facility. The ES should also explain reinstatement of this area after use and details of how this work would be secured in the dDCO.</p>
2.1.9	Paragraph 2.5.28	Use of a coffer dam	<p>Paragraph 2.5.28 refers to the use of a coffer dam, which apart from references to the requirements for sheet piles does not appear to be referred to elsewhere in the description of construction works. The ES should present a description of all construction works and ensure that all relevant construction works are assessed in relevant technical chapters.</p>
2.1.10	Paragraph 2.5.28	Potential for reuse of excavated (onshore) and dredged (offshore) materials as backfill	<p>Paragraph 2.5.28 refers to the potential for dredged material to be used as backfill associated with the coffer dam. The anticipated reuse volumes, required permissions and required chemical and geotechnical testing (for example, CEFAS testing suites) should be clearly defined, and a worst-case scenario of unsuitable material requiring off-site disposal should be assumed.</p>

ID	Ref	Description	Inspectorate's comments
2.1.11	Paragraph 2.5.39	Removal of existing pipeline and buoy infrastructure	<p>The Scoping Report refers to the requirement to remove two marker buoys and two pipelines. The Scoping report does not provide any information on the purpose, ownership etc of these and whether there could be any related effects (such as major accidents / hazards and navigation).</p> <p>The ES should provide a justification of the removal or other amendments to third party infrastructure and consider the implications if these cannot be removed for operational, safety or ownership reasons.</p>
2.1.12	Paragraph 2.5.55	Night-time lighting – all phases	<p>It is stated in the Scoping Report that any lighting required for the Proposed Development will be sensitive to avoid light spill onto aquatic environments. The ES should also consider the effects of all lighting, including 'security and critical' path lighting as per paragraph 2.5.55 on terrestrial and aquatic ecology as well as human receptors.</p> <p>The ES should explain how lighting requirements are to be secured in the dDCO.</p>
2.1.13	Section 2.7	Decommissioning works	<p>The rationale for the demolition of some elements of the Proposed Development and the retention of others is not given in the Scoping Report. This should be provided in the ES.</p>
2.1.14	Paragraph 2.7.6	Decommissioning timeframe	<p>The Scoping Report indicates that only the regas facility is to be demolished, with other elements remaining in situ, however, it is not clear why the decommissioning period is proposed to be the same length (12 months) as the construction period.</p> <p>The ES should provide an indicative decommissioning timeline and required works and assess these within the relevant ES chapters.</p>

ID	Ref	Description	Inspectorate's comments
2.1.15	Figure 2.2	Indicative land use and justification for the order limits	<p>The indicative land use given in Figure 2.2 and graphic 2-2 does not show all of the elements of the Proposed Development, in particular:</p> <ul style="list-style-type: none"> • Figure 2-2 - the anticipated dredging areas and size of the jetty, both of which are indicated throughout the Scoping Report to be required to be capable of accommodating a known maximum size of vessel. • Figure 2-2 - The figure also contains terrestrial and marine areas that have no defined use at present, in particular the eastern extent of the boundary within the River Tees, and the area to the north of the regas facility. • Graphic 2-2 – The dimensions of the jetty, indicative dredged area and indicative dredged pocket is not shown on this figure, despite maximum extents or requirements being defined throughout the Scoping Report. • Graphic 2-2 also does not define the difference between the dredged pocket and dredged channel, or provide a justification for the size and shape of these (for example the exclusion of the 2 lighter shaded triangles above the proposed new channel line, inclusion of areas above the hatched white line adjacent to the jetty and the dredged pocket appearing to be represented as a deeper channel than the dredged area despite the moorings being within the dredged area). <p>As such, it is currently unclear as to the anticipated layout of the Proposed Development, and the requirement for the current size of the order limits. The ES should present the anticipated land use and parameters on an appropriate figure and include all aspects of the Proposed Development in relevant ES figures and accompanying application documents.</p>

ID	Ref	Description	Inspectorate's comments
2.1.16	Various	Interaction of required construction works with adjacent permissions	<p>The Scoping Report refers in a number of locations to elements of the Proposed Development construction which also form part of the construction of adjacent permissions, with the potential for overlapping boundaries:</p> <ul style="list-style-type: none"> • Paragraph 2.2.12 / 2.5.26 – Channel dredging and removal of the foreshore (Northern Gateway); • Paragraph 2.3.6 – Habitat restoration (Northern Gateway). <p>The ES should clearly define which construction methods and parameters would be attributable to the Proposed Development and therefore the responsibility of the Applicant to mitigate, and which are attributable to, and therefore the responsibility of, others, in order to ensure the worst case is assessed for the Proposed Development.</p> <p>The ES should also define how the construction and operation of the Proposed Development is compatible with the nearby permission(s), in particular where overlapping or reliant on shared off site works.</p>
2.1.17	Paragraph 1.1.5, Table 2-1 and Table 2-2	Capacity of the Proposed Development	<p>The Scoping Report defines anticipated capacities of various elements of the Proposed Development; however it is not clear how these are related to each other:</p> <ul style="list-style-type: none"> • Paragraph 1.1.5 - The maximum flow rate of the Regasification Plant is expected to be capable of achieving a maximum of 28.3 million cubic metres per day (m³/day) with an average continuous regas rate of 22.7 million m³/day; • Table 2-1 - Maximum reception of Liquefied Natural Gas (LNG) 2200m³/h; and • Table 2-2 - Maximum storage capacity (total) Up to approximately 13,000m³.

ID	Ref	Description	Inspectorate's comments
			The ES should clearly define the parameters and capacity of the Proposed Development, including defining any linked processes / elements.
2.1.18	Paragraph 18.8.7	Decommissioning	Paragraph 18.8.7 of the Scoping Report states that a Decommissioning Plan would be developed at an 'appropriate time'. The ES should explain the anticipated timescales for production of the Decommissioning Plan, whether agreement has been sought with Local Authorities and how it would be secured.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 4)

ID	Ref	Description	Inspectorate's comments
2.2.1	Paragraphs 4.3.12 and 4.3.13	Reliance on previous environmental studies	<p>The Scoping Report refers to the use of environmental surveys for other nearby developments such as Net Zero Teesside and Northern Gateway Container Terminal and H2 Teesside. The ES should explain how the Applicant seeks to rely on these reports, and that they have the necessary permissions to use or reproduce the data. The Applicant should also ensure that any data relied upon should be up to date for the purposes of the assessment.</p> <p>The ES should also include provide a figure showing the area of the Proposed Development which has been the subject of previous survey work. This would be particularly helpful regarding the ecological surveys as the Scoping Report indicates that ecological surveys currently being relied upon have predominantly been carried out for the east and northern parts of the site.</p>
2.2.2	Paragraph 4.7.1	Scoping out of heat and radiation	<p>On the basis of the description provided of the Proposed Development, the Inspectorate is in agreement that the emissions of heat and radiation are unlikely to be significant, and therefore these can be scoped out of the assessments within the ES.</p>
2.2.3	Table 4-2	Scoping out of aviation	<p>On the basis of the description provided and location of the Proposed Development, the Inspectorate is in agreement that risks to aviation receptors are unlikely to be significant, and therefore these can be scoped out of the assessments within the ES.</p>
2.2.4	Paragraph 4.10.1	Use of a provisional red line boundary	<p>Based on the statement in paragraph 4.10.1 that the land requirements are not yet finalised, the ES should ensure that any baseline data collection, and subsequent assessment, covers a</p>

ID	Ref	Description	Inspectorate's comments
			sufficient area should the red line boundary be required to be expanded.
2.2.5	Paragraph 7.7.1	Avoidance/ mitigation measures	The Scoping Report makes reference to the use of avoidance measures to reduce effects to not significant. The ES should set out any measures relied upon to avoid significant effects and demonstrate how these will be secured through the dDCO or other legal mechanism
2.2.6		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 5.5	Emissions of pollutants from road traffic during operation and maintenance.	<p>The Scoping Report seeks to scope this matter out on the basis that the nature of the Proposed Development is one which is unmanned and operated remotely. Maintenance activities will not give rise to large amounts of vehicular movement. The Scoping Report does not provide information regarding the likely number and frequency of vehicles anticipated to access the site during operation and maintenance.</p> <p>The ES should confirm that the anticipated road vehicle movements are below the Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK) screening values and provide the outcome of the operational screening assessment. Should the screening values be exceeded then an assessment of likely significant effects should be provided.</p>
3.1.2	Table 5.5 and paragraph 2.6.29	Emissions of pollutants during venting scenarios operation and maintenance	<p>The Scoping Report states that the location and length of venting will be governed by relevant limits/design standards applicable. The Scoping Report also states that venting would be a rare occurrence and the nearest location for a public receptor is 2.5km away from the site. The Scoping Report does not explain how 'rare' is defined and the Scoping Report does not address if nearby ecological receptors may be affected by the emission of pollutants during venting scenarios.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The Inspectorate considers this should be assessed in the ES, or otherwise demonstrate why significant effects are not likely to occur on human and ecological receptors as a result of venting.
3.1.3	Table 5.5	Emissions of odours from fugitive leaks during operation and maintenance	<p>The scoping report states that the limit of hydrogen sulphide is 3ppm and the nearest location of public exposure will be 2.5km away from the Site. The amount of gas lost from fugitive leaks will be minimal and will disperse quickly after it has escaped from the facility. Therefore, it is unlikely that odours from fugitive leaks will lead to a significant effect.</p> <p>On the basis of the justification provided in the Scoping Report, the Inspectorate agrees that this matter may be scoped out.</p>
3.1.4	Table 5.5	Impacts from dust, PM ₁₀ and PM _{2.5} during decommissioning	<p>The Scoping Report seeks to scope out impacts from dust, PM₁₀ and PM_{2.5} during decommissioning on the basis that impacts are likely to be similar to the construction phase and that it is likely that air quality will have improved in the future.</p> <p>It is noted that impacts from dust, PM₁₀ and PM_{2.5} are being scoped in for the construction phase, the justification indicates that it will only be assessed for "<i>Teessmouth and Cleveland Coast SSSI and nearby places of work</i>". The Inspectorate considers the ES should assess effects during construction and decommissioning on all relevant sensitive receptors within the study area.</p>

ID	Ref	Description	Inspectorate's comments
3.1.5	5.6.1 and Figure 7.2a	Sensitive receptors	The study area for the operational phase is stated to extend out to 10km from the Proposed Development. Paragraph 5.6.1 lists sensitive receptors identified as being relevant to the air quality assessment. Figure 7.2a shows designated sites within a 10km radius of the

ID	Ref	Description	Inspectorate's comments
	and Figure 7.3		Proposed Development, but not all the sites shown on Figure 7.2a are listed in paragraph 5.6.1. Likewise, Figure 7.3 shows non statutory designated sites which are not listed in paragraph 5.6.1. The ES should present a justification for any ecological sites within the study area that are excluded from the assessment based on relevant guidance. This should be done in consultation with the relevant consultation bodies.
3.1.6	N/A	Study area and location of sensitive receptors	The air quality figure provided within the Scoping Report (Figure 5.1) shows the location of monitoring locations. The ES should also contain a figure to identify the study area used for the air quality assessment, which includes the sensitive receptors identified for the assessment.

3.2 Noise and vibration

(Scoping Report Section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	Table 6.1	Effects from noise on human receptors – all phases	The Scoping Report states that the nearest human receptor is more than 2km away, therefore no significant effects from noise are anticipated. The Inspectorate agrees that significant effects on human receptors from noise during all phases are unlikely and is content that this matter can be scoped out of the ES.
3.2.2	Table 6.1	Effects from vibration on human receptors – all phases.	The Scoping Report proposes to scope out impacts on human receptors arising from vibration on the basis that the nearest human receptors are more than 2km away and additional vehicle movements during the construction and decommissioning phases are unlikely to generate high levels of vibration. The Inspectorate agrees that significant effects are unlikely and is content that this matter can be scoped out of the ES.
3.2.3	Table 6.1	Effects on terrestrial ecological receptors from offsite traffic noise – all phases	The Scoping Report seeks to scope out effects on terrestrial ecology from offsite traffic noise during all phases on the basis that materials will be delivered to site by river. However, Table 13-1 of the Scoping Report states that up to 200 personnel would access the site during construction and that some materials would be delivered via road and not river. Therefore, the Inspectorate does not agree to scope this matter out. The Applicant should assess a worst-case scenario from offsite traffic noise and reported in the ES where significant effects on terrestrial ecology are identified. The Applicants attention is drawn to the response submitted by Natural England (Appendix A) regarding changes to background noise levels at sensitive receptors.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.4	Table 6.1	Effects on terrestrial ecological receptors from vibration during – all phases	The Scoping Report seeks to scope this matter out on the basis that low traffic levels are anticipated as materials will be delivered to site by river. It is noted that onsite noise impacts to ecology is scoped into the assessment on the basis that there are protected/notable species within and adjacent to the site. As such, the Inspectorate considers that the assessment should also include an assessment of effects on ecological receptors from vibration.
3.2.5	Table 6.1	Effects on marine ecology receptors from noise during decommissioning	<p>The Scoping Report seeks to scope out underwater noise effects on marine ecology during decommissioning on the basis that there will be no underwater works during the decommissioning phase and the marine jetty will be retained. On this basis, the Inspectorate agrees to scope out under water noise during decommissioning.</p> <p>It is noted that the Scoping Report scopes in noise effects on marine ecology during construction. However, the Scoping Report does not discuss underwater noise effects during operation and maintenance. The Inspectorate considers that this should be assessed within the ES or otherwise demonstrate why significant effects are not likely to occur.</p>
3.2.6	Table 6.1	Effects on marine ecology receptors from airborne noise – all phases	The Scoping Report seeks to scope out effects from airborne noise on marine ecology receptors during all phases. The justification provided in the Scoping Report states " <i>In underwater acoustic modelling found that the air-to-water interface is treated as a reflecting surface to airborne sound, therefore, airborne noise is not considered to transmit into the water and is scoped out of this assessment</i> ". The Inspectorate agrees to scope out underwater effects from airborne noise, however the ES should assess the effects from airborne noise on harbour seals in the Teesmouth and Cleveland Coast (Site of

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Special Scientific Interest) SSSI and Teesmouth (National Nature Reserve) NNR.

ID	Ref	Description	Inspectorate's comments
3.2.7	Paragraphs 6.4.1 and 6.4.2	Study Area	The study areas are set out in paragraph 6.4.1 but paragraph 6.4.2 states that the study areas may change, dependant on additional information. The ES should explain any changes to the study areas of all phases of the Proposed Development and explain the additional information which prompted a change in the study area. The ES should include figures to illustrate the final study area(s) adopted for noise and vibration impacts, including construction traffic noise, and the receptors within the defined study area.
3.2.8	Paragraph 6.6.3	Sensitive receptors	The Scoping Report cross refers to Chapter 7: Ecology, for information regarding what has been considered as a sensitive ecological receptor. The ES should ensure that this information is provided in the relevant chapter rather than cross referring.

3.3 Biodiversity

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	Table 7.16	Effects on the North York Moors (Special Protection Area) SPA – all phases	<p>The Scoping Report seeks to scope out effects during all phases on the North York Moors SPA for which golden plover and merlin are qualifying features, on the basis that there are no impact pathways as the Proposed Development is located outside the foraging ranges for these two species.</p> <p>The Inspectorate agrees that effects on the North York Moors SPA can be scoped out of the ES on the basis described in the Scoping Report.</p>
3.3.2	Table 7.16	Effects on the North York Moors (Special Area of Conservation) SAC and the Durham Coast SAC - all phases	<p>The Scoping Report seeks to scope out effects on the North York Moors SAC and Durham Coast SAC during all phases as it states there are no potential impact pathways based on the cited features, nature of the works, and distance to the Proposed Development.</p> <p>The Inspectorate agrees that effects on the North York Moors SAC and Durham Coast SAC can be scoped out of the ES on the basis described in the Scoping Report.</p>
3.3.3	Table 7.16	Effects on the Northumbria Coast Ramsar Site and Northumbria Coast SPA - all phases.	<p>The Scoping Report seeks to scope out effects on the Northumbria Coast Ramsar Site and Northumbria Coast SPA during all phases on the basis that the qualifying features of the sites are unlikely to forage within the Proposed Development site or 500m buffer. Furthermore, there is no hydrological connectivity and no pathways for affecting the interest features.</p> <p>The Inspectorate agrees that effects on the Northumbria Coast Ramsar Site and Northumbria Coast SPA can be scoped out of the ES on the basis described in the Scoping Report.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.4	Table 7.16	Effects on Castle Eden Dene SAC - all phases	<p>The Scoping Report seeks to scope out Castle Eden Dene SAC on the basis that there are no potential impact pathways based on the cited features, nature of the works, and distance to the Proposed Development.</p> <p>The Inspectorate agrees that effects on the Castle Eden Dene SAC can be scoped out of the ES on the basis described in the Scoping Report.</p>
3.3.5	Table 7.16	<p>Effects on the following Local Nature Reserves – all phases:</p> <ul style="list-style-type: none"> • Cowpen Bewley Woodland Country Park (Local Nature Reserve) LNR • Greatham Beck LNR • Berwick Hills LNR • Linthorpe Cemetery LNR • Billingham Beck Valley LNR • Flatts Lane Woodland Country Park LNR • Spion Kop Cemetery LNR 	<p>The Scoping Report seeks to scope out effects on the sites listed opposite on the basis that there are no pathways for effects on the interest features of these sites, and any ornithological interest is unlikely to forage within the site or a 500m buffer.</p> <p>The Inspectorate agrees that effects on Cowpen Bewley Woodland Country Park LNR, Greatham Beck LNR, Berwick Hills LNR, Linthorpe Cemetery LNR, Billingham Beck Valley LNR, Flatts Lane Woodland Country Park LNR and Spion Kop Cemetery LNR can be scoped out of the ES on the basis described in the Scoping Report.</p>
3.3.6	Table 7.16	Effects on bats (foraging and commuting) - all phases.	<p>The current survey work appears to only include the eastern part of the site. It is not clear whether the western part of the site has been assessed for its suitability for foraging and commuting bats. It is noted that further survey work is planned. Effort should be made to agree the survey scope and methodology with the relevant consultation bodies. The ES should include an assessment of likely significant effects to these receptors where these could occur, or</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			information demonstrating absence of a likely significant effect and where agreement has been reached with relevant consultation bodies.
3.3.7	Table 7.16	Effects on reptiles during construction.	It is not clear from the Scoping Report whether surveys have covered the whole site. It is noted that further survey work is planned. Effort should be made to agree the survey scope and methodology with the relevant consultation bodies. The ES should include an assessment of likely significant effects to these receptors where these could occur, or information demonstrating absence of a likely significant effect and where agreement has been reached with relevant consultation bodies.
3.3.8	Table 7.16 and paragraph 7.5.64	Effects on white clawed crayfish - all phases.	<p>The Scoping Report seeks to scope out effects on white clawed crayfish as desk studies have not returned results within a 2km study area and no watercourses are present within the site, based on aerial photography. It is also stated that the UKHab surveys have only taken place on the eastern area of the site. Other sections of the Scoping Report state that based on aerial imagery, there are a number of waterbodies and ditches within the vicinity (250m) of the site.</p> <p>It is noted that future survey work is planned. Effort should be made to agree the survey scope and methodology with the relevant consultation bodies. The ES should include an assessment of likely significant effects to these receptors where these could occur, or information demonstrating absence of a likely significant effect and where agreement has been reached with relevant consultation bodies.</p>
3.3.9	Table 7.16	Effects on invertebrates - all phases.	The Scoping Report seeks to scope out impacts on invertebrates on the basis that with the exception of freshwater environments connected to the Tees, there are no freshwater receptors onsite or hydrologically connected to the site. It explains that two ponds are located in close proximity to the northern export pipeline option but

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>at a distance where effects would be unlikely. It further states that mitigation measures can be included to reduce water quality impacts.</p> <p>Figure 7-5 shows a number of 'potential' ponds located in close proximity to both the northern and southern route options and Figure 8-6 shows several watercourse/ditch/ponds. The Scoping Report does not explain if there are pathways for effects on the water features shown on Figures 7-5 and 8-6.</p> <p>Furthermore, impacts on invertebrates are not solely from a deterioration in water quality.</p> <p>The Inspectorate considers there is insufficient information at this stage to agree to scoping this matter out. The ES this matter should be assessed in the ES, where likely significant effects may occur.</p>
3.3.10	Table 7.16	Effects on macrophytes - all phases.	<p>The Scoping Report seeks to scope out impacts on macrophytes on the basis that with the exception of freshwater environments connected to the Tees, there are no freshwater receptors onsite or hydrologically connected to the site. It explains that two ponds are located in close proximity to the northern export pipeline option but at a distance where effects would be unlikely. It further states that mitigation measures can be included to reduce water quality impacts.</p> <p>Figure 7-5 shows a number of 'potential' ponds located in close proximity to both the northern and southern route options and Figure 8-6 shows several watercourse/ditch/ponds. The Scoping Report does not explain if there are pathways for effects on the water features shown on Figures 7-5 and 8-6. The Inspectorate considers there is insufficient information at this stage to agree to scoping this matter out. The ES this matter should be assessed in the ES, where likely significant effects may occur.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.11	Table 7.16	Effects on phytoplankton- all phases.	<p>The Scoping Report seeks to scope out impacts on phytoplankton on the basis that standard mitigation measures can be incorporated in relation to water quality to minimise impacts to phytoplankton. The Scoping Report does not explain what the potential impacts could be or potential resultant effects on phytoplankton.</p> <p>The Inspectorate considers there is insufficient information at this stage to agree to scoping this matter out. The ES this matter should be assessed in the ES, where likely significant effects may occur.</p>
3.3.12	Table 7.16	Effects on marine plants and macroalgae during construction, operation, and maintenance.	<p>The Scoping Report seeks to scope out effects on marine plants and macroalgae from changes to water quality such as pollutants and increased sediment. The Scoping Report states that standard mitigation measures can be incorporated in relation to water quality to minimise impact to macroalgae. On this basis, the Inspectorate agrees to scope this matter out. However, the ES should clearly explain which mitigation measures will be used and how they will be secured, this should also apply to the decommissioning phase.</p>
3.3.13	Table 7.16	Other marine mammals during construction, operation and maintenance.	<p>The Scoping Report seeks to scope out effects on minke whale, bottlenose dolphin, white-beaked dolphin, orca, Atlantic white-sided dolphin, long-finned pilot whale, Risso's dolphin and short-beaked common dolphin. This on the basis that these species are unlikely to be present in the vicinity of the Proposed Development. On this basis, the Inspectorate agrees to scope these out.</p>
3.3.14	Table 7.16	Invasive and Non-Native Species	<p>The Scoping Report is scoping in INNS for the construction, operation and maintenance phases of the Proposed Development. For clarity, the Inspectorate considers this should also be assessed for the decommissioning phase.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.15	Figure 7.2b	Labelling of designated sites	Figure 7.2b shows SPAs, SSSIs, NNRs and LNRs, however the various layering makes it difficult to interpret, for instance, there are two areas of SSSI which are not labelled, one is directly adjacent the red line boundary. Although it is assumed this is part of the Teesmouth and Cleveland SSSI, the Inspectorate suggests that additional labelling is used in figures in the ES to clarify sites and enable legibility.

ID	Ref	Description	Inspectorate's comments
3.3.16	Paragraphs 2.3.4 and 2.3.6	Habitat Restoration	Paragraph 2.3.4 of the Scoping Report refers to 'habitat recreation' being considered, whereas paragraph 2.3.6 states that habitat restoration will be undertaken by. The ES should clearly explain any habitat restoration which will be required as a result of the Proposed Development itself and explain who will be responsible and the mechanism by which it is secured.
3.3.17	Paragraphs 7.8.2, 7.8.4 and 7.8.5	Functionally Linked Land (FLL)	The Scoping Report refers to the potential for impacts on FLL during all phases of the Proposed Development. The ES should provide details regarding the location of FLL, the qualifying species which use the land and an explanation of any likely significant effects.
3.3.18	Table 7-15	Great crested newts	The Applicant has expressed an interest to offset the effects of the Proposed Development on great crested newts (GCN) by obtaining a licence through the Natural England District Level Licensing (DLL) scheme. The Inspectorate understands that the DLL approach includes strategic area assessment and the identification of risk zones and strategic opportunity area maps. The ES should include information to demonstrate whether the Proposed Development is located within a risk zone for GCN. If the Applicant enters into the

ID	Ref	Description	Inspectorate's comments
			<p>DLL scheme, NE will undertake an impact assessment and inform the Applicant whether their scheme is within one of the amber risk zones and therefore whether the Proposed Development is likely to have a significant effect on GCN. The outcome of this assessment will be documented on an Impact Assessment and Conservation Payment Certificate (IACPC). The IACPC can be used to provide additional detail to inform the findings in the ES, including information on the Proposed Development's impact on GCN and the appropriate compensation required.</p>
3.3.19	Table 7-15	Protected Species Licensing	<p>The ES should confirm whether any European Protected Species licences and/or mitigation licenses for other protected species licenses would be required. To provide the Examining Authority (ExA) with assurance that any necessary licence(s) are likely to be obtained, the Applicant should seek to obtain letters of no impediment (LoNI) from NE where possible. The Applicant is referred to the Inspectorate's Advice Note Eleven, Annex C.</p>
3.3.20	Paragraph 7.9.18	Biodiversity Net Gain	<p>The Scoping Report states that Biodiversity Net Gain is being considered for the Proposed Development. The ES should explain what BNG measures are to be applied for the proposal and clearly distinguish between mitigation for significant adverse effects on biodiversity from wider enhancement measures. The ES should apply the most recent Statutory Biodiversity Metric.</p>
3.3.21	Table 7-19	Bird surveys	<p>The Scoping Report provides details regarding the number and approximate locations of surveys which are planned to be undertaken for recording breeding and non breeding birds. The Inspectorate recommends that the location and number of surveys is agreed with Natural England where possible.</p>
3.3.22	Figure 8.5	Designated sites within 5km	<p>Figure 8.5 does not show the area of the Ramsar site within the site boundary. It is noted that this is shown on Figure 7.2b. All supporting plans for the ES should ensure that detail provided is consistent.</p>
3.3.23	NA	Confidential Annexes	<p>Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable</p>

ID	Ref	Description	Inspectorate's comments
			<p>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.</p>

3.4 Water environment and flood risk

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	Table 8.4	Groundwater Abstractions (private and licenced) including non-potable water supply abstractions during operation and maintenance	The Scoping Report scopes in an assessment of groundwater abstractions for the construction and decommissioning phases. However, the Scoping Report does not explain whether groundwater abstractions may be affected during operation and maintenance. This should be reported in the ES where significant effects are likely.
3.4.2	Paragraph 8.7.7 and 8.9.3	Nutrient neutrality	The Scoping Report states that the Proposed Development will not generate process effluent therefore is not proposing to undertake nutrient neutrality assessment or mitigation strategy. However, paragraph 8.7.7 states that permits may be needed, for example for the discharge of effluent. The ES should clarify if/where and how effluent will be discharged and undertake a nutrient neutrality assessment if required.

ID	Ref	Description	Inspectorate's comments
3.4.3	Paragraph 4.9.3	Sequential and Exception Test	The Scoping Report identifies that some of the Proposed Development is located in Flood Zones 2 and 3, as such a sequential test and exception test should be undertaken, and the findings should be reported in the ES.
3.4.4	Paragraph 8.5.5 and Figure 8.6	Baseline	Surface water features are described in paragraph 8.5.5 which states that a number of surface water features have been identified to the west of the site boundary. The ES should also consider the effects of other surface water features identified on Figure 8.6, including SW03, SW05 and SW25. It would also be helpful to aid understanding to

ID	Ref	Description	Inspectorate's comments
			differentiate between watercourse/ditch/pond as currently shown on Figure 8.6.
3.4.5	Paragraph 8.5.28 and Figure 8.1	Flood zones	The Scoping Report identifies Flood Zones across the Study Area however, it does not include sub-categories, such as an area of high probability (Flood Zone 3a) or functional floodplain (Flood Zone 3b). The ES should provide an accurate and consistent description of the baseline flood risk for each element of the Proposed Development and the description should clearly distinguish between Flood Zones, including Flood Zones 3a and 3b where relevant. The ES should include a figure to illustrate the extent of Flood Zones 3a and 3b.
3.4.6	Paragraph 8.9.6	Baseline	No water quality sampling, sediment sampling or qualitative analysis is currently proposed as a significant volume of data is available that was submitted to support the PD Teesport Marine License and application for the Northern Gateway Container Terminal which has been consented as well as data pertaining to existing maintenance dredging operations in the vicinity of the Proposed Development. The ES should ensure that all data it relies upon is the most up to date available and where further sampling is needed, the locations and outcomes should be agreed with the Environment Agency where possible.
3.4.7	Section 8.7	Mitigation	The Scoping Report sets out a number of mitigation measures to manage effects on the water environment and flood risk receptors and explains that these will be contained in the Code of Construction Practice. The ES should differentiate between those measures which are embedded and those which are required to avoid/reduce significant effects. The ES should explain how the Code of Construction Practice will be secured.
3.4.8	Paragraph 8.9.13	Baseline	The Scoping Report states that data to inform the assessment of flood risk will be extracted from the existing Port Clarence 2020 FM-TUFLOW model held by the Environment Agency. The Scoping Report

ID	Ref	Description	Inspectorate's comments
			states that it is not intending to amend or manipulate the model. The ES should ensure that the latest available data is used, and agreement should be sought with the Environment Agency where possible.
34.9	Table 14-3	Potential impacts	The Scoping Report states that temporary portable systems will be in place. The ES should describe how sewage from construction and decommissioning welfare facilities would be discharged/ managed and provide an assessment of the potential impacts to water resources, where significant effects are likely to occur.

3.5 Landscape and visual amenity

(Scoping Report Section 9)

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
3.5.1	Table 9-1	All landscape and visual amenity	<p>The Scoping Report seeks to scope out this aspect on the grounds that the Proposed Development would be part of the operational Port of Immingham. The new structures which would be added by the Proposed Development would be within the existing industrial area and would appear to be a similar scale compared to adjacent land uses (tanks, jetties etc).</p> <p>In relation to landscape receptors, based on the evidence provided in the Scoping Report that the land and marine character areas are characterised by industrial land uses, the Inspectorate is in agreement that an assessment of landscape (and seascape) can be scoped out of the ES.</p> <p>In relation to visual receptors, the Inspectorate is not in agreement with this at present based on the current certainty of design and absence of specific information. The ES should either assess the potential effects on receptors detailed in paragraphs 9.6.4 – 9.6.5 or provide a justification as to why they would not experience significant effects.</p> <p>To form the basis of the landscape and visual assessment, the ES should provide a comprehensive project description in the ES including the maximum dimensions of all structures associated with the Proposed Development and visual representations.</p>

ID	Ref	Description	Inspectorate's comments
3.5.2	Section 9.7	Mitigation measures	The design, mitigation and enhancement measures listed do not state whether any mitigation planting or other visual screening is proposed. The ES should provide a description of any mitigation measures proposed to be implemented, and detail how these are secured in the dDCO.

3.6 Climate change resilience

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	Paragraphs 10.7.4 – 10.7.5	Decommissioning	It is not specifically stated in the Scoping Report that an assessment of climate change vulnerability during the decommissioning phase is scoped out. On the basis of the anticipated timescales, and decommissioning plan requiring the consideration of climate change mitigation measures, the Inspectorate considers that decommissioning can be scoped out of the assessment of climate change vulnerability.
3.6.2	Paragraph 10.8.9 and Table 10-9	Construction phase – All climate variables	Based on the short duration of construction works, the Inspectorate is in agreement that climate impacts during construction can be scoped out of the assessment for all identified receptors.
3.6.3	Table 10-12	Operational phase (all project components): <ul style="list-style-type: none"> • Annual average rainfall • Annual average temperature • Annual average humidity 	On the basis of the anticipated operational lifespan of the Proposed Development, and the anticipated design related measures, the Inspectorate is in agreement that an assessment of changes to annual average temperature and humidity can be scoped out of further assessment. The ES should however indicate where these have been considered in the design, for example climate change allowance for rainfall in the design of drainage and the Flood Risk Assessment.
3.6.4	Table 10-12	Operational Staff – All climate variables	Based on the anticipated duration and frequency of maintenance works, and limited requirement for permanent personnel attendance during operation, the Inspectorate is in agreement that operational staff can be scoped out of the ES in relation to climate vulnerability.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>The ES should however consider whether these staff are required to be covered by any operational safety measures in relation to climate events, such as a flood risk evacuation plan.</p>
3.6.5	Table 10-12	Marine Jetty – operation	<p>Based on the justification provided in Table 10-12 in relation to the vulnerability and design / height of the jetty, the Inspectorate is in agreement that effects from drought and high winds can be scoped out.</p> <p>In relation to extreme precipitation events (flooding), it is noted from the water environment and flood risk chapter that an assessment of flood risk is required to be scoped in, and therefore the Inspectorate considers that this is also relevant to the climate change vulnerability assessment and is not in agreement that it can be scoped out.</p> <p>In relation to extreme temperature events, it is not clear to the Inspectorate why the jetty is not considered to be vulnerable to this given that it will be constructed using conventional construction materials / techniques, similar to the LNG equipment and regas facility which are noted to be vulnerable to temperature changes. The Inspectorate is therefore not in agreement to scope this out.</p>
3.6.6	Table 10-12	LNG offloading – operation	<p>Based on the justification provided in Table 10-12 in relation to the vulnerability of the project component, the Inspectorate is in agreement that effects from drought can be scoped out of the assessment.</p> <p>In relation to extreme precipitation events (flooding), it is noted from the water environment and flood risk chapter that an assessment of flood risk is required to be scoped in, and therefore the Inspectorate considers that this is also relevant to the climate change vulnerability assessment and is not in agreement that it can be scoped out.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.7	Table 10-12	Regas and storage area – operation	<p>In relation to extreme precipitation events (flooding), it is noted from the water environment and flood risk chapter that an assessment of flood risk is required to be scoped in, and therefore the Inspectorate considers that this is also relevant to the climate change vulnerability assessment and is not in agreement that it can be scoped out.</p>
3.6.8	Table 10-12	Export pipeline – operation	<p>Based on the justification provided in Table 10-12 in relation to the vulnerability and design of the project component, the Inspectorate is in agreement that effects from winds can be scoped out of the assessment.</p> <p>In relation to extreme precipitation events (flooding) and sea level rise, it is noted from the water environment and flood risk chapter that an assessment of flood risk is required to be scoped in, and therefore the Inspectorate considers that this is also relevant to the climate change vulnerability assessment and is not in agreement that it can be scoped out.</p> <p>In relation to extreme temperature events, the Inspectorate is unclear as to why the export pipeline is not considered vulnerable to extreme temperatures, given that the electrical connection and transmission connection are, and some parts of the pipeline may be above ground. The below ground aspects may also be prone to effects of, for example, ground movement caused by temperature changes. Therefore, the Inspectorate is not in agreement that it can be scoped out.</p> <p>In relation to storms / lightning, as some aspects of the pipeline may be above ground, the Inspectorate is not in agreement that effects from this can be scoped out of the assessment.</p>
3.6.9	Table 10-12	Electrical Connection – operation	<p>Based on the justification provided in Table 10-12 in relation to the vulnerability and design of the project component, the Inspectorate is</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>in agreement that effects from winds can be scoped out of the assessment.</p> <p>In relation to drought, the Inspectorate is unclear as to why the export pipeline is not considered vulnerable to extreme temperatures, given that the pipeline and transmission connection are. The below ground aspects may also be prone to effects of, for example, ground movement caused by drought. Therefore, the Inspectorate is not in agreement that it can be scoped out.</p> <p>In relation to sea level rise, it is noted from the water environment and flood risk chapter that an assessment of flood risk is required to be scoped in, and the Inspectorate considers that this is also relevant to the climate change vulnerability assessment and is not in agreement that it can be scoped out.</p>
3.6.10	Table 10-12	Connection to transmission system - operation	<p>Based on the justification provided in Table 10-12 in relation to the vulnerability and design of the project component, the Inspectorate is in agreement that effects from winds can be scoped out of the assessment.</p> <p>In relation to sea level rise, it is noted from the water environment and flood risk chapter that an assessment of flood risk is required to be scoped in, and therefore the Inspectorate considers that this is also relevant to the climate change vulnerability assessment and is not in agreement that it can be scoped out.</p>

ID	Ref	Description	Inspectorate's comments
3.6.11	Paragraph 10.6.2	Missing information	Paragraph 10.6.2 appears to have headings, but no information given, for four tables of sensitive receptors for the construction phase. The ES should list all receptors in full.

ID	Ref	Description	Inspectorate's comments
3.6.12	Paragraph 10.8.7	Low vulnerability assets	<p>The Scoping Report states that the vulnerability assessments presented in Tables are used to define the scope of the ES, whereby a vulnerability is scoped out if it is assessed as low.</p> <p>Whilst the Inspectorate does not disagree with this method, no evidence or criteria is provided within these tables to justify the conclusions of low, medium or high sensitivity, exposure and consequently the requirement to scope these in or out. The ES should provide further detail on the assessment methodology used and justification for the scoping out of selected vulnerabilities. Any design changes which would result a higher vulnerability should be reported in the ES.</p>

3.7 Greenhouse gases

(Scoping Report Section 11)

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

ID	Ref	Description	Inspectorate's comments
3.7.2	Paragraph 11.8.3	Operational emissions	With reference to paragraph 2.6.29 which notes that venting may be required on occasions, the operational and maintenance assessment should include emissions such as venting and fugitive emissions.
3.7.3	Paragraph 11.9.5 – 11.9.7	Significance criteria	Whilst the Scoping Report provides some explanation as to how the significance criteria will be derived, no specific criteria are set out. The ES should provide detail on the significance criteria used.

3.8 Materials and waste

(Scoping Report Section 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.8.1	Paragraphs 2.5.27, 2.5.28, 12.9.1 and Table 12-7	Disposal and recovery of waste associated with the construction and of the Proposed Development	<p>It is noted that the Scoping Report identifies the potential for reuse of excavated materials for pipeline trench backfill, subbase or engineering fill. The ability to reuse waste soil arising is dependent on geotechnical and chemical suitability, about which no information is provided at present.</p> <p>Paragraph 2.5.27 states that approximately 1 million m³ of material will be dredged to form the berth pocket at the marine jetty, though as states in paragraph 2.5.28, some of this material may be used on site. The Inspectorate considers that at this time there is not sufficient information to scope this matter out. The ES should clearly identify the volumes and types of waste arisings and where and how they will be disposed of. This is supported by the information within section 12.10, which states the assessments required to include type and volume of waste (paragraph 12.10.3), and significance criteria which refer to landfill or other disposal capacity. Any likely significant effects from offshore waste collection and disposal, including dredging or dredge disposal, should be assessed.</p>
3.8.2	Paragraph 12.9.2 and Table 12-7	Consumption of material resources associated with the Proposed Development during operation and maintenance	Based on the description of anticipated maintenance and operational works, the Inspectorate is in agreement that the requirement for material resources is unlikely to result in significant effects, and therefore this can be scoped out of the ES.
3.8.3	Paragraph 12.9.2 and Table 12-7	Disposal and recovery of waste associated with the Proposed	Based on the description of anticipated maintenance and operational works, the Inspectorate is in agreement that the requirement for

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		Development during operation and maintenance	<p>disposal and recovery of waste is unlikely to result in significant effects, and therefore this can be scoped out of the ES.</p> <p>However, the Applicant should undertake a regular review of anticipated dredging disposal in the event that this is considered to be separate to the ongoing requirements of the PD Ports maintenance works under licence, and therefore may require further assessment of potential LSE.</p>
3.8.4	Table 12-7	Consumption of material resources associated with the Proposed Development decommissioning	Based on the description of anticipated decommissioning works, the Inspectorate is in agreement that the requirement for material resources is unlikely to result in significant effects, and therefore this can be scoped out of the ES.
3.8.5	Table 12-7	Disposal and recovery of waste associated with the Proposed Development decommissioning	<p>Based on the description of anticipated decommissioning works, the Inspectorate is in agreement that the requirement for disposal and recovery of waste is unlikely to result in significant effects, and therefore this can be scoped out of the ES.</p> <p>The ES should however list the potential reuse, recycling or anticipated disposal options for the aspects requiring decommissioning.</p>
3.8.6	Table 12-7	Impacts and effects associated with the extraction of raw resources and the manufacture of products	On the basis that the impacts of extraction and manufacture of materials are subject to separate environmental consent and permitting processes, and that the Proposed Development does not require direct extraction, processing and manufacture of raw resources, the Inspectorate is in agreement that this can be scoped out of the ES.
3.8.7	Table 12-7	Impacts and effects resulting from the transportation of material	On the basis that the potential effects from transportation of material resources and waste is to be assessed in the other chapters listed (air quality, noise and vibration, greenhouse gases and traffic and

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		resources and waste to and from the Site	transport), the Inspectorate is in agreement that these can be scoped out of the Materials and Waste chapter of the ES.
3.8.8	Table 12-7	Impacts on human health and controlled waters as a result of contaminated site arisings from the Proposed Development	On the basis that the potential effects to human health and controlled waters is to be assessed in the other chapters listed (water environment and population and human health), the Inspectorate is in agreement that these can be scoped out of the Materials and Waste chapter of the ES.

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

3.9 Traffic and transport

(Scoping Report Section 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.1	Paragraph 13.8.3 and Table 13-1	Operational traffic	On the basis that the Proposed Development will be mostly unmanned during operation, maintenance works are limited in scope and duration and the anticipated traffic volumes are not expected to change the baseline traffic flows within the study area by more than 10%, the Inspectorate agrees that an assessment of operational traffic can be scoped out of the ES.
3.9.2	Paragraph 13.8.6 and Table 13-1	Decommissioning traffic	<p>Whilst the Scoping Report considers that decommissioning traffic would be no worse than the construction phase (Table 13-1), paragraph 13.8.6 states that "<i>However, due to the lifespan of the Proposed Scheme the traffic impacts of Site decommissioning works are uncertain at this stage</i>".</p> <p>Given the unknown traffic volumes and noting that the decommissioning period duration is likely to be the same length as construction (12 months), the Inspectorate is not in agreement that decommissioning traffic can be scoped out of the ES.</p>

ID	Ref	Description	Inspectorate's comments
3.9.3	Figures 13.1 and 13.2	Study Area	It is noted that the construction routing figure shows the preferred route extending further westwards than the proposed study area, including the A19(T)/A689 Wynyard Junction and the A19 Portrack Interchange. The ES should provide a justification of the study area chosen, as at present it is not clear why the nearby A19 junction is

ID	Ref	Description	Inspectorate's comments
			excluded and consider an expansion once construction traffic routing is further defined.
3.9.4	N/A	N/A	<p>In relation to the A19(T)/A689 Wynyard Junction, the ES should consider the proposed (at the time of writing) alteration works as detailed in the National Highways response (see Appendix 2), including how the Proposed Development would ensure compliance with this new layout, and how the new layout affects traffic flows as a result of the Proposed Development.</p> <p>The Applicant should consult with National Highways as to the status and anticipated timescale of works at this roundabout in order to ensure an accurate baseline scenario for the accompanying Transport Assessment.</p>

3.10 Major accidents and disasters

(Scoping Report Section 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	Paragraphs 14.8.3 and 14.8.4	Low consequence events	The Scoping Report proposes to scope out all events that are considered to be of low consequence on the basis that they do not meet the definition of a Major Accident and Disaster (MA&D) or are unlikely to result in LSE. The Inspectorate agrees that events that are of low consequence are unlikely to result in LSE. These events can be scoped out of the ES.
3.10.2	Paragraph 14.8.4	High consequence and high likelihood events	The Scoping Report states that these events are to be scoped out as it is assumed that existing legislation and regulatory controls would not permit the Proposed Development to be progressed under these circumstances. The Inspectorate is of the opinion that regardless of whether the scheme is likely to be progressed or not, the potential for high likelihood and high consequence events should still be considered. As such, the Inspectorate is not in a position to scope this matter out. The ES should assess any and all high consequence/high likelihood events that may occur.
3.10.3	Table 14-3	Geophysical Hazards – All phases: <ul style="list-style-type: none"> • Earthquakes • Volcanic Activity • Landslides • Sinkholes • Tsunamis 	The Inspectorate agrees that given the geographical location of the Proposed Development, these geophysical hazards are unlikely to occur. These matters can therefore be scoped out of the ES.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.4	Table 14-3	Hydrological Hazards – All phases <ul style="list-style-type: none"> • Fluvial Flooding • Pluvial Flooding • Groundwater Flooding 	The Scoping Report proposes to scope these matters out on the basis that although there is potential for LSE through flooding, the risk will be addressed through a CDM risk register during construction, assessed in a specific flood risk assessment within the ES and mitigated using a surface water drainage strategy (SuDS). The Inspectorate agrees that this matter can be scoped out from the MA&D chapter on the basis that the risk is fully assessed within the Water Environment and Flood Risk chapter of the ES.
3.10.5	Table 14-3	Hydrological Hazards – All phases <ul style="list-style-type: none"> • Coastal Flooding • Avalanches 	The Inspectorate agrees that given the geographical location of the Proposed Development, LSE because of avalanches are unlikely to occur. This matter can therefore be scoped out of the ES. The Inspectorate does not agree to scope out effects from coastal flooding as there is uncertainty regarding potential changes in water levels resulting from the removal of the intertidal habitat and rising sea levels. The Applicant's attention is drawn to comments from the Environment Agency in Appendix 2.
3.10.6	Table 14-3	Climatological and Meteorological Hazards – All Phases <ul style="list-style-type: none"> • Cyclones, hurricanes, typhoons, storms and gales • Thunderstorms 	The Scoping Report proposes to scope these matters out on the basis that cyclones, hurricanes and typhoons do not occur in the UK and design standards would account for the occurrence of storms, gales and thunderstorms. The Inspectorate agrees that the Proposed Development would not be any more vulnerable to storms, gales and thunderstorms than any other industrial site in the vicinity and, providing design standards are adhered to, LSE are unlikely to occur. As such, this matter can be scoped out from the ES.
3.10.7	Table 14-3	Climatological and Meteorological Hazards – All Phases	The Scoping Report proposes to scope this matter out on the basis that although areas of Teesside are susceptible to flooding from wave

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		<ul style="list-style-type: none"> • Wave Surges 	<p>surges, the Proposed Development is located sufficiently inland to avoid LSE and that flood risk will be assessed within the Water Environment and Flood Risk chapter of the ES. On this basis, the Inspectorate agrees that this matter can be scoped out of the MA&D chapter of the ES. However, the Inspectorate considers that the ES should assess the potential for effects from storm surges. The Applicant's attention is drawn to comments from the Environment Agency in Appendix 2.</p>
3.10.8	Table 14-3	<p>Climatological and Meteorological Hazards – All Phases</p> <ul style="list-style-type: none"> • Extreme temperatures: <ul style="list-style-type: none"> ○ Heatwaves ○ Low (sub-zero) temperatures and heavy snow • Droughts 	<p>The Scoping Report proposes to scope these matters out on the basis that although the Proposed Development is vulnerable to extreme temperatures and drought, it can be shut down safely in times of water shortage and the design will take local climatic conditions into consideration. It is also not expected to increase the risks associated with these matters. 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 Inspectorate is of the opinion that elements of the Proposed Development such as the export pipeline and other below ground infrastructure may still be vulnerable to droughts and extreme temperatures due to related occurrences such as earth movements. The ES should therefore still include an assessment of the vulnerability of the Proposed Development to these hazards.</p>
3.10.9	Table 14-3	<p>Climatological and Meteorological Hazards – All Phases</p> <ul style="list-style-type: none"> • Severe Space Weather: <ul style="list-style-type: none"> ○ Solar Energetic Particles 	<p>The Inspectorate agrees that LSE are unlikely to occur as a result of severe space weather. This matter can be scoped out of the ES.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		<ul style="list-style-type: none"> ○ Solar Flares ○ Coronal Mass Ejections 	
3.10.10	Table 14-3	Climatological and Meteorological Hazards – All Phases <ul style="list-style-type: none"> • Fog 	The Scoping Report proposes to scope this matter out on the basis that although fog is likely to disrupt travel to and from the Proposed Development, the risk to construction workers would not be significantly different to the baseline and safety zones will be applied around the berth to mitigate navigational hazards. On this basis, the Inspectorate agrees that this matter can be scoped out of the ES.
3.10.11	Table 14-3	Climatological and Meteorological Hazards – All Phases <ul style="list-style-type: none"> • Wildfires: <ul style="list-style-type: none"> ○ Forest fire, Bush / brush, pasture 	The Scoping Report proposes to scope this matter out on the basis that the area surrounding the Proposed Development is heavily industrialised and although there is some vegetation, it does not present a high fuel load and is therefore unlikely to give rise to significant effects. On this basis, the Inspectorate is content to scope this matter out of the ES.
3.10.12	Table 14-3	Climatological and Meteorological Hazards – All Phases <ul style="list-style-type: none"> • Poor Air Quality 	The Scoping Report proposes to scope this matter out on the basis that, although the Proposed Development will result in the emission of airborne pollutants, it will not be on a scale that would constitute a MA&D and effects on air quality will also be assessed in a separate chapter of the ES. The Inspectorate agrees that the Proposed Development is unlikely to cause an MA&D as a result of poor air quality. This matter can be scoped out of the MA&D chapter of the ES.
3.10.13	Table 14-3	Biological Hazards – All Phases <ul style="list-style-type: none"> • Disease epidemics: <ul style="list-style-type: none"> ○ Viral 	The Scoping Report proposes to scope these matters out on the basis that that the vulnerability of the Proposed Development to a pandemic/epidemic will be mitigated by the occupational health and safety processes implemented by both the contractor and

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		<ul style="list-style-type: none"> ○ Bacterial ○ Parasitic ○ Fungal ○ Prion. • Animal Diseases: <ul style="list-style-type: none"> ○ Avian influenza ○ West Nile virus ○ Rabies ○ Foot and mouth ○ Swine fever 	<p>government rules and guidelines on the control of spread of COVID-19 and the construction/operation of the Proposed Development will not give rise to any disease epidemics. On these bases, the Inspectorate agrees that LSE are unlikely to occur as a result of biological hazards. This matter can be scoped out of the ES.</p>
3.10.14	Table 14-3	<p>Biological Hazards – All Phases:</p> <ul style="list-style-type: none"> • Plants; 	<p>The Scoping Report proposes to scope this matter out on the basis that there are no invasive species currently on the site, invasive species control and biosecurity measures will be implemented by the appointed contractor to avoid the spread of invasive non-native species and infested materials during construction and the risk of spreading invasive species through vessel movements will be assessed within the marine biodiversity chapter of the ES. On this basis, the Inspectorate agrees that LSE as a result of invasive plant species are unlikely to occur. This matter can therefore be scoped out of the MA&D assessment.</p>
3.10.15	Table 14-3	<p>Societal Hazards – All Phases</p> <ul style="list-style-type: none"> • Extensive public demonstrations which could lead to violence and loss of life. 	<p>The Scoping Report proposes to scope these matters out on the basis that the Proposed Development is located in a developed, politically stable country. On this basis, the Inspectorate agrees that LSE as a result of societal hazards are unlikely to occur. These matters can be scoped out from the ES.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		<ul style="list-style-type: none"> • Widespread damage to societies and economies. • The need for large-scale multi-faceted humanitarian assistance. • The hindrance or prevention of humanitarian assistance by political and military constraints. • Significant security risks for humanitarian relief workers in some areas. • Famine. • Displaced population. 	
3.10.16	Table 14-3	Industrial and Urban Accidents – All Phases <ul style="list-style-type: none"> • Nuclear 	The Scoping Report proposes to scope this matter out on the basis that the nearest nuclear power plant is 2.6km away and the area surrounding the Proposed Development is already highly industrialised and therefore unlikely to increase the risk of an MA&D occurring at the power station. Despite the highly industrialised nature of the area surrounding the Proposed Development, it is still within the consultation zone of Hartlepool nuclear power station. It is also noted that as of yet, no consultation has taken place with the Office of Nuclear Regulation (ONR) regarding the potential risks. As such, the Inspectorate is not in a position to scope this matter out. The ES should assess the risk of nuclear MA&D during all phases of the Proposed Development.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.17	Table 14-3	Industrial and Urban Accidents – All Phases <ul style="list-style-type: none"> • Dam breaches 	The Scoping Report proposes to scope this matter out on the basis that the Environment Agency Flood risk summary indicates that the Proposed Development is not in an area at risk from reservoir flooding and flood risk is also being assessed within the Water Environment and Flood risk chapter of the ES. On this basis, the Inspectorate is content to scope this matter out of the ES.
3.10.18	Table 14-3	Industrial and Urban Accidents – All Phases <ul style="list-style-type: none"> • Mines and storage caverns 	The Scoping Report proposes to scope this matter out on the basis that there are no coal mining areas in proximity of the Proposed Development and although there are salt caverns in the area, impacts to construction workers are outside of the scope of the MA&D assessment and the risk to the public will be assessed once the geotechnical assessment has been carried out for the detailed design stage. Paragraph 18.5.20 states that there are two underground tunnels and two salt-brine mine workings within the site boundary. Due to the lack of information on these workings, at this stage the Inspectorate is not in a position to scope this matter out. The ES should assess the risk of industrial and urban accidents due to the presence of underground workings if significant effects are likely.
3.10.19	Table 14-3	Industrial and Urban Accidents – All Phases <ul style="list-style-type: none"> • Fires 	The Scoping Report proposes to scope this matter out on the basis that the risk of fire will be mitigated by control measures and an emergency preparedness and response plan which will consider the risks associated with fires impacting the Proposed Development and the potential for it to be an ignition source. Despite these measures, the Inspectorate is of the opinion that due to the presence of on-site fuel storage, any fire risk presents a high consequence scenario. As such the Inspectorate is not in a position to scope this matter out. The ES should assess both the vulnerability of the Proposed Development to fire and its potential as an ignition source.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.20	Table 14-3	Transport Accidents – All Phases <ul style="list-style-type: none"> • Road; • Rail; and • Air. 	The Scoping Report proposes to scope these matters out on the basis that the Proposed Development is not envisaged to generate any hazardous loads during construction, operation is largely unmanned, the nearest rail terminal is 3.6km away and the closest airport is 19km away. On these bases, the Inspectorate agrees that the Proposed Development is unlikely to cause LSE as a result of transport accidents. The Inspectorate is therefore content to scope these matters out.
3.10.21	Table 14-3	Pollution Accidents – All Phases <ul style="list-style-type: none"> • Air; • Land; and • Water. 	The Scoping Report proposes to scope these matters out on the basis that although there are risks associated them, control and design measures will be sufficient to avoid LSE. 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.
3.10.22	Table 14-3	Utilities Failure – All Phases <ul style="list-style-type: none"> • Electricity; • Gas; • Water Supply; and • Sewerage System. 	On the bases provided, the Inspectorate agrees that MA&D as a result of utilities failure are unlikely to occur. These matters can be scoped out of the ES. Those see comment 3.4.8 regarding management of sewerage.
3.10.23	Table 14-3	Malicious Attacks – All Phases <ul style="list-style-type: none"> • Unexploded Ordnance (UXO) 	The Scoping Report proposes to scope this matter out on the basis that although a risk of UXO exists on site, the site is brownfield land which has already been developed and the channel has previously been dredged. Measures would also be taken during construction to

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			brief staff and raise awareness of the issue. The Inspectorate agrees that the risk of UXO on site is limited. This matter can therefore be scoped out of further assessment.
3.10.24	Table 14-3	Malicious Attacks – All Phases <ul style="list-style-type: none"> • Attacks: Chemical; Biological; Radiological; and Nuclear; • Transport systems; • Crowded places; and • Cyber. 	The Inspectorate agrees that the Proposed Development is unlikely to be a target of malicious attack. These matters can be scoped out from the ES.
3.10.25	Table 14-3	Engineering Accidents and Failures – All Phases <ul style="list-style-type: none"> • Bridge failure; • Mast and tower collapse; • Property or bridge demolition accidents; and • Tunnel failure / fire. 	The Scoping Report proposes to scope these matters out on the basis that the Proposed Development does not include any of these elements. On this basis, the Inspectorate is content to scope these matters out.
3.10.26	Table 14-3	Engineering Accidents and Failures – All Phases <ul style="list-style-type: none"> • Flood defence failure. 	This matter is proposed to be scoped out on the basis that the Proposed Development does not currently benefit from flood defences and potential breach events will be considered within the Water Environment and Flood risk chapter of the ES. On this basis, the Inspectorate is content to scope this matter out.
3.10.27	Paragraph 14.8.12	Decommissioning	The Scoping Report proposes to scope out impacts from the decommissioning phase on the basis that they would be similar to

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>that of the construction phase and a Decommissioning Environmental Management plan will consider MA&D at the time of decommissioning. Little information has been provided on the processes and activities associated with the decommissioning phase. As such, the Inspectorate is not in agreement that this matter can be scoped out. The ES should consider the potential for MA&D across all phases of the Proposed Development.</p>

ID	Ref	Description	Inspectorate's comments
3.10.28	N/A	Hazardous substances classification	<p>It is not clear whether the Applicant has considered the hazard classification of substances intended to be used for the construction or operation of the Proposed Development. For the avoidance of doubt, the ES should provide the hazard classification of any substances that are to be employed, and whether hazardous substances consent would then be required.</p>

3.11 Shipping and navigation

(Scoping Report Section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.1	Paragraph 15.8.4	Decommissioning	<p>The Scoping Report proposes to scope this matter out on the basis that it is assumed the new marine facilities will become part of the wider fabric of the port and continue to be used for future port activities.</p> <p>It is noted at paragraph 2.7.2 that materials from decommissioning may be removed from site through vessel movements. As such, the Inspectorate is not in a position to scope this matter out. The ES should assess the potential impacts to shipping and navigation through the movements of vessels during the decommissioning phase.</p>

ID	Ref	Description	Inspectorate's comments
3.11.2	Paragraph 2.3.30	The marine / safety exclusion zone	<p>The anticipated size of the marine / safety exclusion zone is not stated, and therefore the potential impact on available shipping routes is not known at present (especially given the narrow navigable width of the Tees in this section).</p> <p>The Es should state the anticipated size of the exclusion zone, and assess the presence of this as a potential effect to shipping and navigation.</p>
3.11.3	Section 15.3	Consultation	<p>The Scoping Report states that no specific consultation regarding the EIA scoping report has been conducted at this stage, but the Applicant has commenced consultation with PD Teesport Ltd. and the Harbour Master during the development of the design of the Proposed</p>

ID	Ref	Description	Inspectorate's comments
			Development. It is not clear in what capacity PD Teesport Ltd. is being consulted. For the avoidance of doubt, the Applicant should seek to agree the proposed shipping and navigation and Navigational Risk Assessment methodology with any relevant consultees, including PD Teesport Ltd.
3.11.4	Section 15.4	Study Area	The Scoping Report states that the shipping and navigation study area was established using professional judgement, however the rationale behind the selection of this study area is unclear. The ES should contain a statement justifying the selection of this study area and how it represents the maximum extent of likely significant effects.
3.11.5	Paragraph 15.9.7 to 15.9.8 and Tables 15-4 and 15.5	Significance criteria	The Scoping Report defines significance as unacceptable (high risk), tolerable (moderate risk) and broadly acceptable (low risk). The ES should clarify how these significance criteria relate to the criteria defined under the EIA regulations i.e., which category of risk would equate to a likely significant effect under the EIA Regulations.
3.11.6	N/A	Vessel movements	The ES should set out how many vessel movements and by size and type of vessel, will be required for the Proposed Development during construction, operation and decommissioning. Currently the figures in the Scoping Report are not clear.

3.12 Cultural heritage and archaeology

(Scoping Report Section 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.12.1	Table 16-1 and Paragraph 16.9.1	Cultural heritage	<p>The Scoping Report proposes to scope out a cultural heritage chapter from the ES on the basis that the closest heritage receptor is 2.6km from the site, outside of the 1km study area and, due to the site's previous usage, the archaeological potential for the site is negligible.</p> <p>Given the industrialised nature of the area surrounding the site, the Inspectorate agrees that the Proposed Development is unlikely to significantly impact the setting of any nearby heritage asset. As such, providing agreement is reached with the LPA, a cultural heritage chapter can be scoped out of the ES.</p>

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

3.13 Population and human health

(Scoping Report Section 17)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.13.1	Table 17-3	Private Property and Housing – All phases	The Scoping Report proposes to scope this matter out on the basis that the closest private property and housing receptor is located 3km from the Proposed Development and so effects during construction, operation and decommissioning are not anticipated. On this basis, the Inspectorate is content to scope this matter out of the ES.
3.13.2	Table 17-3	Community Land and Assets – All phases	<p>The Scoping Report proposes to scope out impacts to community land and assets on the basis that, although Teesmouth National Nature Reserve (NNR) is within the study area, access would be maintained during all phases of the Proposed Development and the industrial nature of the surrounding area would mean that construction and operation would not significantly impact recreational activities or enjoyment.</p> <p>The Inspectorate agrees that due to the industrial nature of the area, the operation of the Proposed Development is unlikely to significantly impact users of the NNR, this matter can therefore be scoped out from further assessment. However, The Inspectorate does not agree with the assertion that construction and decommissioning activities adjacent to the NNR would not impact users of it. The ES should assess the impact on community land and assets as a result of the construction and decommissioning of the Proposed Development.</p>
3.13.3	Table 17-3	Walkers and Cyclists – All phases	The Scoping Report proposes to scope this matter out on the basis that there are no Public Rights of Way (ProW) within the site or study area. On this basis, the Inspectorate is content to scope this matter out of the ES.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.13.4	Table 17-3	Terrestrial Businesses – Construction and Decommissioning	<p>The Scoping Report proposes to scope this matter out on the basis that construction and decommissioning of the Proposed Development is expected to result in only a limited increase in traffic, and so access to businesses in proximity is unlikely to be significantly impacted.</p> <p>The assertion that construction and decommissioning would result in a limited increase in traffic is contradictory to information provided elsewhere in the Scoping Report. It is noted at Table 13-1 that impacts as a result of construction traffic are scoped into the Traffic and Transport chapter, and paragraph 13.8.6 states that traffic volumes during decommissioning are currently uncertain. As such, the Inspectorate is currently not in a position to scope this matter out. The ES should assess the impact to terrestrial businesses during the construction and decommissioning of the Proposed Development.</p>
3.13.5	Table 17-3	Terrestrial Businesses – Operation and Maintenance	<p>The Scoping Report proposes to scope this matter out on the basis that the operation of the Proposed Development is largely unmanned and so would have a minimal impact on traffic. On this basis, the Inspectorate is content to scope this matter out of the ES.</p>
3.13.6	Table 17-3	Businesses that rely upon access to the River Tees – Construction and Decommissioning	<p>The Scoping Report proposes to scope this matter out on the basis that construction and decommissioning of the Proposed Development would generate limited marine traffic, any potential effects would be managed by measures within the outline Code of Construction Practice (CoCP) to ensure affected business are able to undertake marine operations and no significant construction material traffic is proposed by marine vessels.</p> <p>No further detail is provided on the measures proposed. Limited information has also been provided on the number of vessel movements expected to be generated by the Proposed Development ie for the delivery of materials associated with the marine jetty and</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			Abnormal Indivisible Loads (AILs). In the absence of 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 impact on businesses that rely upon access to the River Tees as a result of the construction and decommissioning of the Proposed Development.
3.13.7	Table 17-3	Businesses that rely upon access to the River Tees – Operation and Maintenance	The Scoping Report proposes to scope this matter out on the basis that operation of the Proposed Development is anticipated to generate an average of 1-2 LNG deliveries a week equating to approximately 80 vessel movements per year, a volume that is not anticipated to significantly impede businesses access to the River Tees. On this basis, the Inspectorate is content to scope this matter out of the ES.
3.13.8	Table 17-3	Recreational Users of the River Tees – All phases	The Scoping Report proposes to scope this matter out on the basis that recreational users in the vicinity of the Proposed Development are limited and the industrial nature of the area means that the Proposed Development would not significantly impact users enjoyment of it. On this basis, the Inspectorate is content to scope this matter out.
3.13.9	Table 17-3	Human Health – All phases	The Scoping Report proposes to scope this matter out on the basis that there are a limited number of human health receptors in proximity to the Proposed Development and the industrial nature of the area means that users of the adjacent NNR are unlikely to be significantly impacted. Due to the location of receptors in relation to the proposed Development, the Inspectorate agrees to scope this matter out. However, the ES should still assess the impacts to users of the adjacent NNR during construction and decommissioning.

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

3.14 Geology and soils

(Scoping Report Section 18)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.14.1	Table 18-1	Contaminated soil and detriment to Human Health – Construction	The Scoping Report 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. 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.
3.14.2	Table 18-1	Contaminated soil and detriment to Human Health - Operation	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. 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.
3.14.3	Table 18-1	Controlled Water Body Contamination (including Ramsar and SSSI sites) – Construction	<p>The Scoping Report proposes to scope this matter out on the basis that, despite there being the risk of the mobilisation of sediments and subsequent contamination of controlled water bodies during construction, the embedded measures would be sufficient to reduce the risk to negligible.</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</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			for likely significant effects and the mechanism by which this is secured.
3.14.4	Table 18-1	Controlled Water Body Contamination (including Ramsar and SSSI sites) – Operation	The Scoping Report 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.
3.14.5	Table 18-1	Hazardous Ground Gas to accumulate within confined spaces – All phases	<p>The Scoping Report proposes to scope this matter out on the basis that although there exists a risk for the accumulation of hazardous ground gas within confined spaces, it will be managed during construction through the use of standard construction practices, good design, gas protection measures and further geo-environmental investigations to be secured as a requirement within the dDCO.</p> <p>No further detail is provided on these measures. In the absence of 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>
3.14.6	Table 18-1	Built Environment – detriment of inground structures and pipes and cables from aggressive ground conditions and contaminants over time – Construction	The Scoping Report 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

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			unlikely to occur in relation to this impact during the construction period and therefore this matter can be scoped out.
3.14.7	Table 18-1	Built Environment – detriment of inground structures and pipes and cables from aggressive ground conditions and contaminants over time - Operation	The Scoping Report 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 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, and/or describe any measures in place to reduce the potential for likely significant effects and the mechanism by which this is secured.
3.14.8	Table 18-1	Agricultural Soils – All phases	The Scoping Report proposes to scope out impacts to agricultural soils as the majority of the site has an Agricultural Land Classification of 'Grade 5' (Very poor quality) and has therefore been discounted as a sensitive receptor. On this basis, the Inspectorate is content to scope this matter out from further assessment.
3.14.9	Table 18-1	Mineral Resources – All phases	The Scoping Report proposes to scope out impacts to mineral resources on the basis that there are no shallow resources shown to be present beneath or in the vicinity of the Proposed Development and although the site lies within an area underlain by deep reserves of salt and gypsum, the Proposed Development is not considered likely to sterilise these reserves. On this basis, the Inspectorate is content that this matter can be scoped out from further assessment.
3.14.10	N/A	Decommissioning	This chapter of the Scoping Report does not refer to the decommissioning phase. The ES should consider the potential for likely significant effects during decommissioning of the Proposed Development. This assessment should also consider the potential for

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			below ground infrastructure that has been left in-situ to create preferential pathways to controlled water bodies.

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

3.15 Cumulative effects

(Scoping Report Section 19)

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

ID	Ref	Description	Inspectorate's comments
3.15.2	19.3.19	Long and short list of projects	The Inspectorate understands from the information provided that the list of projects will be revised as consultation with stakeholders is undertaken and the ES is prepared. The ES should identify a 'cut-off' date with respect to this process so that the currency of it can be understood.

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES¹

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
NHS England	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)	Billingham Town Council
The Environment Agency	The Environment Agency
The Maritime and Coastguard Agency	Maritime & Coastguard Agency – North East England
The Marine Management Organisation	Marine Management Organisation (MMO)
The Civil Aviation Authority	Civil Aviation Authority
The relevant Highways Authority	Stockton-on-Tees Borough Council
The relevant strategic highways company	National Highways
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

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

TABLE A2: RELEVANT STATUTORY UNDERTAKERS²

STATUTORY UNDERTAKER	ORGANISATION
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Yorkshire and North East Forestry Commission
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
NHS England	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 Teesport
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Northumbrian Water

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
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
	CNG Services 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
	Mua Gas Limited
	Quadrant Pipelines Limited
Squire Energy Limited	
National Gas	
The relevant electricity distributor with CPO Powers	Northern Powergrid (Northeast) Limited
	Aidien Ltd
	Eclipse Power Network Limited

STATUTORY UNDERTAKER	ORGANISATION
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Distribution Connection Specialists Ltd
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	Squire Energy Metering Ltd
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall 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

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

TABLE A4: NON-PRESCRIBED CONSULTATION BODIES

ORGANISATION
Royal National Lifeboat Institution
Tees Valley Combined Authority

³ Sections 43 and 42(B) of the PA2008

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:
DIO Safeguarding
Environment Agency
Health and Safety Executive
Historic England
Marine Management Organisation
Maritime and Coastguard Agency
National Gas Transmission
National Grid Electrical Transmission (NGET)
National Highways
Natural England
Redcar and Cleveland Borough Council
Royal Mail
Trinity House
UK Health Security Agency

From: [DIO-Safeguarding-Offshore \(MULTIUSER\)](#)
To: [Teesside Flexible Regas Port](#)
Subject: 20240314_RE_EN040001 - Teesside Flexible Regas Port Project - EIA Scoping Notification and Consultation - DIO 10062090
Date: 14 March 2024 14:02:51
Attachments: [image001.png](#)
[image005.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image003.png](#)

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Good afternoon,

Thank you for consulting The MOD regarding the Scoping Opinion request for the Teesside Flexible Regas Port Project.

At this stage of the project, there is a lack of specific detail, in particular, coordinates, which assist MOD in plotting some offshore elements.

The offshore element makes reference to disposal of dredged material in existing licensed disposal sites. The MOD will be able to provide specific advice, as may be necessary, on the proposed dredge disposal when more detailed information becomes available.

The onshore location has been assessed as a SOSA (Site Outside Safeguarding Areas) and the MOD has no concerns based on the information provided.

The MOD has no concerns at this stage regarding this development, however the MOD requests to be included in any consultation when more detailed information becomes available. For any future correspondence please continue to use DIO-Safeguarding-Statutory@mod.gov.uk & DIO-Safeguarding-Offshore@mod.gov.uk

Regards,

Andy White | Assistant Safeguarding Manager
Defence Infrastructure Organisation
Estates | Safeguarding
DIO Head Office | St George's House | DMS Whittington | Lichfield | Staffordshire | WS14 9PY
MODNET: [REDACTED]

Working days; Monday to Friday 07:00 – 15:00.

From: Teesside Flexible Regas Port <teessideregasport@planninginspectorate.gov.uk>
Sent: 13 March 2024 10:57
To: DIO-Safeguarding-Statutory (MULTIUSER) <DIO-Safeguarding-Statutory@mod.gov.uk>; DIO-Safeguarding-Offshore (MULTIUSER) <DIO-Safeguarding-Offshore@mod.gov.uk>
Subject: EN040001 - Teesside Flexible Regas Port Project - EIA Scoping Notification and Consultation

Dear Sir/ Madam

Please see attached correspondence on the proposed Teesside Flexible Regas Port Project.

Please note the deadline for consultation responses is **10 April 2024**, which is a statutory requirement that cannot be extended.

Kind regards

Laura



Laura Feekins-Bate
Senior EIA Advisor
The Planning Inspectorate
T [REDACTED]



[@PINSgov](#)



[The Planning Inspectorate](#)



[planninginspectorate.gov.uk](#)

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DPC:76616c646f72



The Planning Inspectorate
Major Casework Directorate
Temple Quay House (2 The Square) Temple
Quay
Bristol
Avon
BS1 6PN

Our ref: XA/2024/100070/01-L01
Your ref: EN040001-000020
Date: 09 April 2024

Dear Sir/Madam

**APPLICATION BY TEESSIDE FLEXIBLE REGAS PORT LIMITED (THE APPLICANT)
FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE TEESSIDE
FLEXIBLE REGAS PORT PROJECT (THE PROPOSED DEVELOPMENT). PLANNING
ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (THE EIA
REGULATIONS). REGULATIONS 10 AND 11. SCOPING CONSULTATION**

Thank you for your consultation on the Environmental Impact Assessment (EIA) Scoping Opinion for the above project. We have reviewed the Teesside Flexible Regas Port EIA Scoping Report by WSP, referenced: 70118932 and dated March 2024. We have the following advice to offer.

Water Environment and Flood Risk

Flood Risk

There are some areas of the site which are situated within Flood Zones 2 & 3 which have a higher probability of flooding from rivers and/ or the sea. [The Sequential Test](#) will therefore be required to be passed, as outlined in the National Policy Statement (NPS) EN-1, the National Planning Policy Framework (NPPF), and the Stockton on-Tees Borough Council Local Plan 2019.

If the site needs to be located in areas at risk of flooding, then [The Exception Test](#) must also be applied and a site specific flood assessment (FRA) submitted which assesses flood risk from all sources of flooding.

The FRA will include an assessment of existing modelled flood risk data (modelling review), available from the EA. We would recommend early involvement in this so that the suitability of existing modelling and requirements for the FRA can be agreed. The Port Clarence 2020 FM-TUFLOW modelling should be reviewed in the first instance.

We note a qualitative approach is proposed following the modelling review (i.e., no updates or remodelling at a site-specific level). The modelling review will need to confirm that suitable data exists to appropriately assess the site for climate change and sea level rise, and residual risks including breach and overtopping events. Although the application is largely

located within Flood Zone 1, suitable assessment of climate change and sea level rise will be critical to the FRA.

It is stated, in section 2.7.1 of the Scoping Report, that the project has an operational lifetime of 25 years. Please note that the Planning Practice Guidance (PPG) ([Paragraph: 006 Reference ID: 7-006-20220825](#)) states that non-residential development should include an assessment of flood risk over at least 75 years. We highlight the need for full justification for assessing less than that, and that this may have a bearing on the evidence required and/ or need for further modelling. The assessment of future flood risk should incorporate a credible maximum scenario and should also be able to demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to the credible maximum climate change scenario, as required by NPS EN-1.

The applicant will need to confirm operational needs for the site, i.e., will the site remain operational and will staff remain on site during a flood event. There will also need to be consideration given to access and egress from the site during flood event scenarios (including allowances for climate change).

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 \(www.gov.uk\)](#)). Our maps are not suitable for an FRA, but they can indicate where further assessment may be needed.

Please contact us on northeast-newcastle@environment-agency.gov.uk to obtain any relevant flood risk modelling evidence that we hold.

Further information on Environmental Permitting is available in Appendix 1

Please see the separate Marine Environment and Coastal Processes section below for further information regarding coastal flooding.

Water Framework Directive

We acknowledge that paragraph 4.9.2 states that a Water Framework Directive (WFD) assessment will be undertaken.

The Tees Estuary waterbody is designated as a heavily physically modified waterbody (HMWB). The waterbody in its entirety is a protected area as defined by the Water Environment (Water Framework Directive) Regulations 2017 (WER).

The WER objective for all protected areas is to achieve compliance with any standards and objectives required by or under any EU instrument under which the area or body is protected.

WER states that where two or more objectives set under WER apply to the same body of water, or the same part of a body of water, the most stringent objective applies.

The target standards of the conservation objectives of the Teesmouth and Cleveland Coast SPA [Designated Sites View \(naturalengland.org.uk\)](#) include:

Restore the extent, distribution and availability of suitable habitat (either within or outside the site boundary) which supports the feature for all necessary stages of the non-breeding/wintering period (moulting, roosting, loafing, feeding): Intertidal sand and muddy sand (755.82 ha); Coastal lagoons (7.14 ha); Intertidal mixed sediments (4.69 ha); Intertidal mud (225.05 ha); Intertidal rock (50.32 ha); Intertidal biogenic reef: mussel beds (65.09 ha); and Saltmarsh (44.54 ha), which is not habitat specific but is an amalgamation of the following habitats: *Salicornia* and other annuals colonising mud and sand; and Atlantic Salt Meadows (*Glauco-puccinellietalia maritimae*).

The WER objective is to achieve Good Ecological Potential in the Tees Estuary waterbody by 2027. There is low confidence that this objective will be achieved by 2027 as the costs of implementing all feasible mitigation measures by that date would represent a disproportionate burden. However, it remains that the WER objective is to achieve Good Ecological Potential through the implementation of all feasible mitigation measures.

Paragraph 1.1.5 of the Scoping Report states that the proposed marine jetty will result in the permanent loss of intertidal foreshore in this already heavily modified waterbody. More than 90% of intertidal habitat has already been permanently lost through port and industrial development.

It is not clear how much intertidal habitat will be lost. The only reference to the size of the area relates to the maximum length and beam of Liquefied Natural Gas (LNG) carriers that will be utilising the marine jetty (paragraph 2.3.27), rather than the jetty itself or the intertidal area lost. Therefore, clarification on the extent of the intertidal habitat lost is required.

The potential value of this habitat should be recognised and the impacts of the removal of intertidal foreshore should be assessed in the Environmental Statement, with impacts to WFD being assessed in the WFD assessment.

The WFD Assessment should:

- Consider the impact of the proposal on the WFD status of the Tees Transitional Waterbody (GB510302509900) and any other relevant WFD waterbodies.
- Identify all potential risks to the following receptors: **hydromorphology, biology (habitats), biology (fish), water quality, protected areas, and invasive non-native species**.
- Ensure there is no deterioration resulting from the proposed activities.
- Demonstrate how the development will avoid adverse impacts.
- Describe how any identified impacts will be mitigated.

Marine Environment and Coastal processes

The legislation related to the marine environment and coastal processes mentioned in the Regulatory, Planning and Energy Policy chapter has not been considered within the Scoping Report. The dredging works and removal of intertidal habitat needs to be assessed within the Environmental Impact Process

Coastal flooding will need to be scoped into the assessment. It has been proposed that Coastal flooding should be scoped out due to the landward side of the proposed infrastructure being on an artificially high point and currently defended by embankments. However, as it is proposed to remove intertidal habitat this may influence the tidal prism of the estuary and could lead to a change in water levels. Therefore, coastal flooding cannot be ruled out especially in light of increased sea-levels, possible upstream movement of the tidal limits, and if tidal limit movement is restricted due to upstream control structures. The effects of storm surges are also not restricted to open coasts, so they should also be considered.

The bulk LNG carrier will be moored alongside the marine jetty for an extended period whilst unloading to reduce the need for onshore capacity. As a result, there may be consequences for the opposite bank of the river due to reflected shipwash. Currently, due to the presence of the intertidal foreshore, any shipwash from passing vessels is dissipated. With the proposed removal of the foreshore and the vessel moored alongside, shipwash can be reflected from the vertical hull of the moored vessel and have an effect on the opposite bank. Consideration of these near field effects should be made.

Fish

Noise impacts

It is noted that noise and vibration have been scoped into the EIA (paragraph 20.1.1 and table 20-1). An assessment on noise impacts on migratory fish is required. The associated noises of piling activity can be detrimental to the upstream passage of salmon and sea trout. Impact or percussive piling will have the greatest effect on fish movement causing both a barrier and in extreme circumstances fatal effects.

To maintain fish passage during the construction piling works should be programmed to avoid sensitive times for migratory fish. This to include for example:

- between March and November inclusive from low tide to three hours after low tide. This is to enable the unhindered passage of migratory fish species including salmon and sea trout.
- During the month of May, preferably no percussive or impact piling should take place at all, and no piling of any type should take place four hours either side of high tide. This to enable the downstream passage of smolts (juvenile salmon and sea trout).

It is also advisable that regular breaks should be taken whilst piling activities are occurring, this is so there are frequent periods with no disturbance allowing the free movement of migratory fish as well as resident estuarine species.

Dredging

Dredging should be avoided where possible during sensitive periods for fish. It is recommended that no dredging occurs in:

- July, August, and September as this is a critical period for water quality where dissolved oxygen levels can become so low that it can become difficult for fish (including returning adult salmon) to survive.
- March to November during the first three hours of each flood tide to facilitate the unhindered upstream passage of adult fish.
- May to facilitate the unhindered downstream passage of salmonid smolts.
- April to June on the ebb tide to protect glass eel and elver.

Consideration should be given to the use of any measures that can be employed to minimise the impacts of the dredging operations on benthic fish species. These could include:

- avoiding dredging on the ebb tide when elvers (eel and other fish species) are likely to be low in the water column close to the bed.
- Limiting the scale of the dredging activity works to areas of such size that they are unlikely to create widespread risk.
- Physical disturbance of the sediment immediately prior to the dredging activity.
- Use of fish deterrent systems on the dredging equipment, which may work for some species.
- Monitoring of the excavated material for signs of fish.

Eel

It is noted that suction dredging is the likely dredge method (paragraph 2.5.29). Please be aware of the requirements of the Eels Regulations 2009 (further information in Appendix 2).

Under Regulation 17(4) of the Eels (England and Wales) Regulations 2009, on or after 1 January 2015, a responsible person must ensure an eel screen is placed in a diversion structure that:

1. is capable of abstracting at least 20 cubic metres of water through any one point in any 24-hour period; or
2. returns water to a channel, bed or sea.

Please contact the EA for them to determine the level of risk to eel of the proposed dredging works and if the works require an eel screen or any alternative risk reduction measures, or if the activity can be exempted by the Agency. When contacting the EA please provide a method statement including:

- details of the proposed dredging technique and equipment to be used (e.g. pump specifications),

- dredging methodology, timings, duration, and location.

The EA fisheries team can be contacted on the details below if you need help and advice on complying with the Eels Regulations:

Email: NENORTHFRB@environment-agency.gov.uk

Telephone: 03708 506 506

Surface Water Quality/ Contamination

We support the proposal to scope in surface water quality impacts for further assessment within the ES. However, we have the following comments to make.

We note that no further water quality sampling, sediment sampling or qualitative analysis is currently proposed. This is due data already available from other proposals adjacent the development. This data needs to be applicable to the current proposal.

We need to understand water quality and sediment composition within the scheme boundary and in the wider water environment. Of particular concern to us is the risk of contamination within sediments in the proposed dredging area and in the disused pipelines. Any contamination present is at risk of being mobilised during the proposed works, as well as at the site of disposal. Therefore, we would expect to see appropriate mitigation measures proposed. The applicant will need to review the data available to ensure that it can provide the required level of detail, and that no significant changes have taken place since it was collected. If the current data is unable to meet these expectations, further data gathering may be required.

The proposed approach to determining the importance of a water environment receptor risks misrepresenting the sensitivity of smaller watercourses. Section 8.9.16 states that the importance of a feature is determined based on its value and sensitivity. Table 8-5 states that watercourses with a WFD classification and a higher Q95 are of greater importance than those that are not classified or have a lower Q95. Whilst this approach determines the value of a receptor, we do not believe it accurately describes its sensitivity to water quality impacts. Watercourses with lower flows provide less dilution and so experience greater impacts from pollutions and discharges. The applicant will need to reflect this in their assessment of the magnitude of effects to water quality.

Table 8-6 states that effects will have a Major Adverse impact if they cause a reduction in WFD classification and a Moderate Adverse impact if they contribute to a reduction in classification. It does not describe how the magnitude of impacts on water quality impacts which do not impact WFD classification will be assessed. This approach risks underestimating the magnitude of impact of serious pollutions and water quality impacts which, due to their location, are unable to cause a change in WFD classification. Conversely, Minor Adverse or Negligible impacts could be falsely considered Moderate Adverse impacts if they have even a small contribution to a WFD classification change due to other, potentially external, factors.

We believe the below points should also be considered:

- The impact the increased shipping traffic will have on water quality. For example, this could include the impact of discharges from vessels or antifoul breakdown within the estuary.
- The impact that any sewage or trade discharges to foul sewer will have on the receiving treatment works and the final discharge to the environment associated with that works. We would expect to see assurances that disposal of effluent to foul sewer will not result in an increased risk of non-compliance at water company assets.
- Offsite disposal could result in significant tanker traffic during times of heavy rainfall. This may then need to be considered within relevant traffic or climate change chapters.
- Paragraph 2.6.15 explains that surface water could also be directed to the surface water network at the adjacent Navigator Terminals Seal Sands site. This activity would also require an Environmental Permit if it does not already have one. We would expect to see assurances that the connection to a third-party's asset does not result in a risk of non-compliance at another facility.
- It is highlighted at paragraph 2.6.33 that the proposed scheme will likely be rated as an Upper Tier Control of Major Accident Hazards (COMAH) site. Throughout the Scoping Report the applicant mentions the installation of firefighting systems, the provision of firefighting water and potential drainage system structures. The applicant should be aware of the recommendations made within CIRIA report C736 – *Containment systems for the prevention of pollution*. We would expect the development to meet the recommendations made within this guidance to ensure compliance with the COMAH regulations and any operational permit held at the site. The applicant should ensure that the Development Consent Order (DCO) does not prevent the installation of the potentially large-scale infrastructure required to meet this guidance. The recommendations made within CIRIA C736 could be secured as mitigation within the DCO.
- We support the proposed 1km water study area for water quality impacts (paragraph 8.4.1). However, if effects are detected we expect to see an assessment of the extent of these effects both upstream and downstream. The study area may need to be revised on this basis if predicted impacts extend beyond 1km from the site boundary.
- Paragraph 8.7.9 confirms that a construction phase surface water management strategy will be implemented. We would like to advise the applicant to ensure that the proposed Order Limits provide sufficient space for any potential treatment and settlement facilities to be installed.
- Paragraph 8.5.15 states that the Groundsure report suggests that there are no active surface water discharges within 500m of the site boundary. This is incorrect. There are several permitted water discharge activities within this limit. We note that a

request for discharge permit locations has been made to the Environment Agency. Once received, we recommend reviewing this data and ensuring all active discharges are incorporated into the baseline environment.

Further environmental permitting information to inform which permits may be necessary is available in Appendix 1.

Land Contamination and Groundwater Quality

Land contamination has been scoped out. Given the heavy industrial previous use of the site and presence of a Principal aquifer, we would expect to see land contamination and the risk to groundwater quality scoped in and considered within the ES. Our main concern is the possibility of moving or creating pathways for the movement of contamination to areas currently free from contamination.

The site is underlain by superficial deposits consisting of the Tidal Flat Deposits. These sand, silt and clay deposits are classified as a Secondary undifferentiated aquifer. The superficial deposits are mostly underlain by the Mercia Mudstone Group which is classified as a Secondary B aquifer. A small area of the site is underlain by the Sherwood Sandstone Group which is a Principal aquifer. The site is not within a groundwater source protection zone and there are no groundwater abstractions on or within 250m of the site.

The site has an industrial heritage with previous uses including oil terminals, pipelines, historic landfills, and other industry. Furthermore, the site is underlain by Made Ground which has been noted to contain dredgings and slag material.

The Phase 1 Preliminary Environmental Risk Assessment (Appendix 18A Geology and Soils) identifies within the conceptual site model that pathways to controlled water receptors from land contamination at the site are likely to exist.

Paragraph 18.7.1 of the Scoping Report states that the following further works in relation to land contamination will be completed, *“a geo-environmental ground investigation, geo-environmental monitoring, generic quantitative risk assessment, followed by preparation and implementation of a remediation strategy (where required). This would be secured under a DCO requirement, to correspond to standard land quality conditions generally imposed under the planning regime.”*

It is stated in section 18.3.1 that to date there has been no consultation with the Local Authority or Environment Agency in relation to land contamination. The applicant will therefore not be aware that a site adjacent to the proposed development site is currently being investigated under Part 2A of the Environmental Protection Act 1990. The site was previously known as Seal Sands Chemicals Company (SSC). The site is heavily impacted by previous chemical manufacturing on site which disposed of waste to land which has gone on to impact shallow groundwater. The Environment Agency are investigating this site on behalf of Stockton-on-Tees Borough Council. The site is centred on NGR NZ 51767 24084. Additional information can be sought from the Local Authority.

Despite the industrial heritage of the site and immediate surrounds, land contamination and controlled waterbody contamination has been scoped out of requiring further assessment as part of the Environmental Statement, as stated in Table 18-1.

We are pleased that an intrusive ground investigation, and further assessments if required, have been proposed. However, the applicant has suggested that these works will be secured via requirements rather than through the Environmental Statement process. Given the industrial heritage of the site, including a site that is being investigated under P2A of the Environmental Protection Act 1990 and the presence of Principal aquifer beneath part of the site, we believe that land contamination and groundwater quality should be scoped in for further assessment.

We note (from section 18.7) that following the intrusive ground investigation a “generic quantitative risk assessment” will be completed. Our Land Contamination Risk Management (LCRM) guidelines should be followed, and this may include detailed quantitative risk assessment, where required. The LCRM guidance has been referenced in the Scoping Report, but not in the sections regarding the next phases of investigation.

It should be demonstrated how the creation of preferential pathways from areas of contamination into areas free from contamination will be mitigated against. This should include the decommissioning stage. Paragraph 2.7.3 states that, “Any below ground structures will be left in-situ, including piles, pipework, and cables.” Risk to controlled waters from the creation of preferential pathways from these below ground structures should be considered in the decommissioning plan.

Waste

Paragraph 2.5.14 states that auguring methods may be employed for the installation of the export pipeline. Where the placement of the export pipelines takes place in land affected by contamination the management of the waste material will need to be carefully managed.

Code of Construction Practice

The report makes several references to a Code of Construction Practice (CoCP) being developed to support the application. This will include measures to limit the release of contaminants to the ground (ie pollution prevention), which we welcome. We recommend that the following are also included within the CoCP:

- Horizontal Directional Drilling

Paragraph 2.5.14 states that the proposed pipeline may be installed using horizontal directional drilling methods. This work could involve the use of drilling muds and their use may require risk assessment to ensure they do not pose a risk to controlled waters. The proposed use of directional drilling techniques should therefore be included in the CoCP:

- Foundation Works Risk Assessment

Paragraph 2.5.8 states that piled foundations may be used within the development. This activity is identified within the Preliminary Environmental Risk Assessment as have the potential to create pathways for the migration of contamination into areas free from

contamination. We therefore request that risks to controlled waters from piling activities are assessed in the form of a foundation works risk assessment. This is typically included in a CoCP.

Relevant environmental permitting information is available in Appendix 1. Further information on CL: AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP) is available in appendix 3.

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

Yours faithfully

Lewis Pemberton
Planning Specialist

Direct dial: [REDACTED]

Direct e-mail: [REDACTED]

Appendix 1 – Environmental Permitting

The guidance below should be followed to inform which permits may be necessary for this project. Due to the lengthy timescales currently involved in the determination process, we would encourage the applicant to engage with our permitting pre-application advice service at the earliest possible opportunity.

Flood Risk Activity Permit (FRAP)

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- on the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk

Water Resources - Abstraction and Impoundment

The proposals may require Water Resource Licences in respect of the construction activities required. Advice on regulated activities and licence requirements is given below.

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 Environment Agency 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 assume consent for abstraction and impoundment activity is provided by other regulatory documents.

Abstraction licence requirement

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 is the removal/abstraction of water (predominantly, but not confined to, groundwater) to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. If dewatering is required (mentioned in paragraph

8.7.7), it may require an environmental permit if it doesn't meet the exemption in The Water Abstraction and Impounding (Exemptions) Regulations 2017 Section 5: Small scale dewatering in the course of building or engineering works. More information can be found using this link:

<https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water>

If the exemption can not be met a full abstraction licence will be required. It is important to note that some aquifer units may be closed for new consumptive abstractions in this area. More information can be found via this link:

<https://www.gov.uk/government/collections/water-abstraction-licensing-strategies-cams-process>

Impounding licence requirement

If you intend to impound a watercourse then you are likely to need an impounding licence from the Environment Agency. An impoundment is any dam, weir or other structure that can raise the water level of a water body above its natural level. 'On-line' impoundments hold back water in rivers, stream, wetlands and estuaries, and consequently affect downstream flows, sediment transport and migration of fish. Impoundments could be created through works to modify or change existing watercourses. An Impoundment Licence could also be required if you amend, modify or remove existing in channel structures.

More information is available on gov.uk: <https://www.gov.uk/guidance/water-management-apply-for-a-water-abstraction-or-impoundment-licence>

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 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.

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: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Discharge of groundwater

The applicant may also need to consider discharge of groundwater, following any treatment. More information can be found here:

<https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

It is worth considering the likely infrastructure required to meet any potential discharge permit requirements to ensure that there is sufficient space within the Order Limits. For example, infrastructure required to treat any contaminated groundwater which may need to be discharged to surface waters. Insufficient space is a common constraint which can result in permit non-compliance, non-permitted discharges or expensive/complex treatment methods.

Water Quality Permit requirements

You do not require a permit if you are only discharging uncontaminated surface runoff. If you intend to discharge to surface water for dewatering purposes, this may be covered by a Regulatory Position Statement (RPS) for water discharge activities. If you can comply with all the conditions within the RPS, then a permit is not required for this activity. Please find the RPS conditions here: <https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water>

If any discharges do not fully comply with the RPS, then a bespoke discharge permit will be required. Please find guidance on applying for a bespoke water discharge permit here: <https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits>

Drilling of muds for directional drilling

The use of drilling muds for the directional drilling may require a groundwater activity permit depending on the chemicals used. Early discussion about this is also recommended.

If remediation is required the applicant may need a mobile treatment licence or other permits depending on whether they are treating and discharging groundwater and the volumes requiring treatment. This detail will need to be discussed in any remediation strategy produced for the site.

Appendix 2 Eels Regulations 2009 – Dredging Operations Advisory Note

There has been a significant decline in the number of young European eels returning to rivers in the UK and across their geographical range. The species is now listed as “critically endangered” by the International Union for Conservation of Nature (IUCN) and the trade of European eels is controlled under the Convention on International Trade in Endangered Species (CITES).

The UK government introduced the Eels (England and Wales) Regulations 2009. A key requirement of this legislation is to deliver safe passage for eels through addressing barriers to upstream and downstream migration, and by preventing entrainment in damaging water abstractions.

The Eels Regulations make it an offence, as of 1st January 2015, not to have an eel screen on any diversion structure capable of abstracting at least 20m³ per day or any discharge outfall unless the Environment Agency specifically exempt the requirement.

Excavator/grab/backhoe-based dredging and plough/harrow dredging would not come under the direct remit of the Eels Regulations, given that there is no “diversion structure” involved.

Water-injection dredging and pump-suction dredging have the potential to fall under the Eels Regulations, if the pump involved can abstract at least 20 cubic metres of water through any one point in any 24-hour period (approximately 14 litres/min). For such operations the responsible person must install an eel screen on the pump unless they have been served an exemption notice. Dredging operations need to be assessed on a case-by-case basis, considering the relative risk of the location, the details of the site operation, mitigating factors and the resulting residual risk to eel.

You can find more information on Part 4 of the Eels Regulations by visiting:
<https://www.gov.uk/guidance/safe-passage-for-eels> .

You can contact the Environment Agency’s National Customer Contact Centre to:

- request a copy of ‘Screening at Intakes and Outfalls: Measures to Protect Eel’.
- Request a copy of ‘The Eels Regulations: Delivering Safe Passage for Eels’.

National Customer Contact Centre

PO Box 544

Rotherham

S60 1BY

Email: enquiries@environment-agency.gov.uk

Telephone: 03708 506 506

Monday to Friday, 8am to 6pm.

Appendix 3 CL: AIRE Definition of Waste: Development Industry Code of Practice (DoW CoP)

Dow CoP guidance can be found via the following link: <http://www.claire.co.uk/projects-and-initiatives/dow-cop/28-framework-and-guidance/111-dow-cop-main-document>

The DoW CoP sets out the lines of evidence that are needed to demonstrate that the excavated materials are not or have ceased to be waste. These are based on four factors:

- Protection of human health and the environment (acceptable risk assessment of pollution)
- Suitability for use without further treatment (no further processing and/or treatment, as demonstrated by a specification and a site-specific risk assessment including chemical, geotechnical properties and biological aspects);
- Certainty of Use (outlined in the Remediation Strategy and Material Management Plan);
- Quantity of Material (outlined in the Remediation Strategy and Material Management Plan)

To demonstrate the factors a Materials Management Plan (MMP) needs to be produced to ensure all factors are considered and the correct determination is made. A Verification Plan needs to be set out in the MMP and must identify the recording method of materials being placed, as well as the quantity of materials to be used. It should also contain a statement on how the use of the materials relate to the remediation or design objectives.

In general, any material that must be treated in order to render it suitable for its intended use is considered to be a waste and waste controls apply.

To demonstrate this to the Environment Agency's satisfaction, the processes and requirements detailed in the DoW CoP need to be followed in full.

Requirements include:

- desktop study of the site
- conceptual modelling of the site(s) concerned
- site investigation details (if appropriate)
- and any details of contamination (if relevant)

Regardless of whether the site is contaminated or not the following documents should be produced:

- Risk Assessments
- Options Appraisal Report
- Remediation Strategy (Contaminated soils) or Design Statement (Clean naturally occurring soils)

- Materials Management Plan
- Verification Report once the work is completed.

The decision to use the CL: AIRE Definition of Waste: Development Industry Code of Practice is the responsibility of the holder of the materials. The project manager should collate all relevant documents; permissions, site reports, MMP etc. and consult with an independent Qualified Person (QP) to confirm that the site meets the requirements and tests for use of the DoW CoP. The Qualified Person must review the documentation and let the developer know that a Verification Report will be required before signing a Declaration. If the site meets the tests that materials are suitable for re-use, certain to be re-used, are not excessive in volume and pose no risk to the environment or harm to human health then the QP can make a formal Declaration to CL: AIRE.

The formal Declaration must be submitted to CL: AIRE and the Environment Agency by a Qualified Person before any excavation activities or transfer of materials occurs. In these circumstances the Qualified Person is meeting the requirements of the Regulator to ensure appropriate environmental and human health protection is in place for the development to go ahead.

Materials not used in accordance with the DoW CoP process in full may be deemed waste and will require a relevant permit for deposit. Materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defense against joint liability. For clarification, it is important to note that DoW CoP declarations cannot be made retrospectively. In addition to this if you wish to re-use material under the 'site of origin scenario' and this material has previously been imported to that site as waste without authorisation for example a historical illegal deposit then it does not originate at that site. It is not site derived material and you cannot use DoW CoP site of origin scenario for this activity, you will require an appropriate waste authorisation such as an environmental permit.

FAO: Laura Feekins-Bate
Senior EIA Advisor
The Planning Inspectorate
teessideregaspport@planninginspectorate.gov.uk

CEMHD - Land Use Planning,
NSIP Consultations,
Building 1.2, Redgrave Court
Merton Road, Bootle,
Merseyside L20 7HS.
NSIP.applications@hse.gov.uk

Date: 5/04/2024

Dear Madam,

**PROPOSED TEESSIDE FLEXIBLE REGAS PORT PROJECT
PROPOSAL BY TEESSIDE FLEXIBLE REGAS PORT LIMITED
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017 (as amended) REGULATIONS 10 and 11**

Thank you for your email on 13th of March 2024 regarding the information to be provided in an environmental statement relating to the above project.

HSE's land use planning advice:

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

According to HSE's records, the proposed project components (Teesside Flexible Regas Port Project, EIA Scoping Report, Figure 1.1 – Scoping Site Boundary (70118932-WSPE-FG-MD-00001_P01.1, Feb 2024)) potentially falls within the Consultation Zones of multiple major hazards sites and major accident hazard pipelines, although there are two different options currently being considered for the export pipeline route.

If, after the pipeline route is better known, the proposed development should encroach on any of these zones, HSE would be able to provide more specific advice with regards to which site or pipeline operators the Applicant should make contact with to inform an assessment of whether or not the proposed development is vulnerable to a possible major accident.

HSE's Land Use Planning advice would be dependent on the location of areas where people may be present. When we are consulted by the Applicant with further information under Section 42 of the Planning Act 2008, we can provide full advice.

Would Hazardous Substances Consent be needed?

It is not clear whether the applicant has considered the hazard classification of any chemicals that are proposed to be present at the development. Hazard classification is relevant to the potential for accidents. For example, hazardous substances planning consent is required to store or use any of the Categories of Substances or Named Hazardous Substances set out in Schedule 1 of The Planning (Hazardous Substances) Regulations 2015 as amended, if those hazardous substances will be present on, over or under the land at or above the controlled quantities. There is an addition rule in the Schedule for below-threshold substances.

It is noted that the project documentation does include tanks for storage of up to 13,000 m³ of LNG (Schedule 1, Part 2, Substance 18 with a Controlled Quantity of 15 tonnes) and so it is HSE's view that Hazardous Substance Consent will be required for this substance.

If hazardous substances planning consent is required, please consult HSE on the application.

Consideration of risk assessments

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

Explosives sites

PD Teesport LTD holds an explosives licence (XI/4811/43/3) granted by the HSE. The handling of explosives at a number of berths attract separation distances that are required to be kept with respect to classes of protected places, such as tankers used for carrying petroleum spirit, LNG or LPG.

HSE's Explosive Inspectorate (CEMHD7) has reviewed the proposed development and at this early stage, taking into consideration the Indicative Arrangement of the Marine Jetty (Graphic 2-2) shown in the document entitled "TEESSIDE FLEXIBLE REGAS PORT Environmental Impact Assessment Scoping Report Volume I – Main Text" and the Indicative site allocation (figure 2.2) in the document entitled "TEESSIDE FLEXIBLE REGAS PORT Environmental Impact Assessment Scoping Report Volume III – Figures", would have no comment to make with respect to the proposed development.

However, the Explosives Inspectorate would wish to be consulted again when a firm plan for the marine jetty is produced; a plan showing the location of the Regas facility, together with construction plans for this building, will also be required to determine if this facility constitutes a 'vulnerable building'. This will allow for any potential encroachment of the separation distances to be identified; if this occurs a revised response will be submitted by the Explosives Inspectorate.

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk. We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely

CEMHD NSIP Consultation Team



Historic England

Ms Laura Feekins-Bate
The Planning Inspectorate
By email

Direct Dial: [REDACTED]

Our ref: PL00795538
27 March 2024

Dear Ms Feekins-Bate

Re: EN040001 - Teesside Flexible Regas Port Project - EIA Scoping Notification and Consultation

Thank you for your letter of 15 March 2024 consulting Historic England about the above EIA Screening Report.

It is for the local authority to determine whether an EIA should be prepared for the proposed development. However, from the information given, we consider that there appears to be minimal impact on the historic environment and therefore an EIA may not be required in relation to the historic environment. It is recommended, however, that an applicant seek confirmation from the relevant local authority Historic Environment staff for an informed local opinion of need.

If further information becomes available which might result in a change to this, then we would like to be informed and provided with that information so that we can consider the matter further and respond to you as appropriate.

If you have any queries about the above or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

Lee McFarlane
Inspector of Ancient Monuments
[REDACTED]



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

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Laura Feekins-Bate
Senior EIA Advisor
Planning Inspectorate

Your reference: EN040001-
000032-TFRP
Our reference: DCO/2024/00004

Email: teessideregasport@planninginspectorate.gov.uk

By email only

09 April 2024

Dear Ms Feekins-Bate

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the “EIA Regulations”) – Regulations 10 and 11

MMO scoping consultation response on the application by WSP UK Limited (the “Applicant”) for an Order granting Development Consent for the Teesside Flexible Regas Port Project (the “Proposed Development”)

Thank you for your scoping consultation dated 13 March 2024 and for providing the Marine Management Organisation (“MMO”) with the opportunity to share our comments with you on the Proposed Development.

The Marine Management Organisation

The MMO was established by the Marine and Coastal Access Act 2009 (the “2009 Act”) to contribute to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas. The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence¹. Inshore waters include any area which is submerged at mean high water spring (“MHWS”) tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area.

The MMO’s role in Nationally Significant Infrastructure Projects

In the case of Nationally Significant Infrastructure Projects (“NSIPs”), the Planning Act 2008 (the “2008 Act”) enables Development Consent Orders (“DCO”) for projects

¹ Under Part 4 of the 2009 Act

which affect the marine environment to include provisions which deem marine licences².

As a prescribed consultee under the 2008 Act, the MMO advises developers during pre-application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works. Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence (“DML”) enable the MMO to fulfil these obligations. Further information on licensable activities can be found on the MMO’s [website](#). Further information on the interaction between the Planning Inspectorate and the MMO can be found in our [joint advice note](#).

The MMO’s comments on the Proposed Development

Please find attached comments of the MMO. Due to timing constraints involved in providing these comments, the MMO has been unable to seek the views of our scientific advisors at the Centre for Environment, Fisheries and Aquaculture Science (“Cefas”). As such, this response includes the MMO’s initial observations of the Proposed Development and any legislative comments, rather than a technical opinion on the proposed scope of the associated Environmental Impact Assessment (“EIA”).

The MMO reserves the right to make further comments on the project throughout the pre-application process and may modify its present advice or opinion in view of any additional information that may come to our attention. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Your feedback

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

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

Yours Sincerely,

Ethan Lakeman
Marine Licensing Case Officer

² Section 149A of the 2008 Act

D +44 [REDACTED]

E [REDACTED]

Copied into response:

[REDACTED] (Marine Licensing Case Manager)

[REDACTED] (Senior Marine Licensing Case Manager)





Marine Management Organisation

Scoping consultation response

Title: Teesside Flexible Regas Port

Applicant: WSP UK Limited

MMO Reference: DCO/2024/00004

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1 Proposed Development

1.1 Overview

1.1.1 WSP UK Limited ('the Applicant') intends to develop a Liquefied Natural Gas (LNG) import terminal. The new land site will include an LNG regasification plant along with onsite storage tanks of up to 13,000m³ total capacity, new high-pressure export pipeline route from the works to the existing Teesside Gas Processing Plant and new electrical connections to the Northern Power Grid ('the Proposed Development'). The project will also include the construction of a new 305m long, 50m wide jetty to assist with delivery by vessel of LNG.

1.1.2 The Proposed Development will be located at Seal Sands, near Stockton-on-Tees, Teesside (the 'Site') and includes the construction of a new 305m long, 50m wide jetty on the intertidal foreshore of the River Tees estuary; to facilitate delivery by vessel of LNG from the North Sea down the River Tees.

1.1.3 The MMO has an interest in those aspects of the Proposed Development that may have an impact on the marine area or those who use it.

1.1.4 Particular areas of interest include the construction of a new Marine Jetty extending into the marine environment and the loss of intertidal foreshore habitat in the River Tees estuary. This includes the associated dredging required to support the construction a new berth pocket and dredging of the main shipping channel to allow vessels to access the Jetty.

1.1.5 The area of intertidal foreshore set to be removed contains two existing disused pipes running towards the River Tees.

1.1.6 The Regas and Storage area will include Onshore Storage Tanks of up to 13,000m³ total capacity and a cryogenic liquid pipeline and vapor pipeline from the Marine Jetty to the Regasification Plant and Onshore Storage Tanks.

1.1.7 It is estimated that the new berth will require dredging to a depth of 14.5m and that all dredging activity will result in an estimated volume of 1,000,000m³ of material being removed. It is currently proposed that this material will be deposited onto barges and transported to the disposal sites Tees Bay A and Tees Bay B managed by PD Ports.

1.1.8 The Applicant states it is anticipated that maintenance dredging and disposal activities to maintain LNG carrier deliveries at the Marine Jetty will be the responsibility of PD Ports as part of their statutory duty and that this will be confirmed as part of the application for development consent.

1.1.9 It is proposed that an area of the Tees channel located within the boundary of the Proposed Site will be deepened along with the removal of an area of intertidal foreshore as part of the Northern Gateway Container Terminal development. This is a separately consented project developed by PD ports under a marine licence from the MMO.

1.1.10 Any additional works or activities in the marine area which are licensable under the 2009 Act should be notified to the MMO at the earliest opportunity and the impacts of such activities considered in the Environmental Impacts Assessment (“EIA”) process. Further information regarding marine licensing can be found on the MMO’s website: [Do I need a marine licence? - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

1.2 Location

1.2.1 The proposed Liquefied Natural Gas (LNG) import terminal is located on the west bank of the River Tees estuary near Stockton-on-Tees, Teesside (see figure 1)

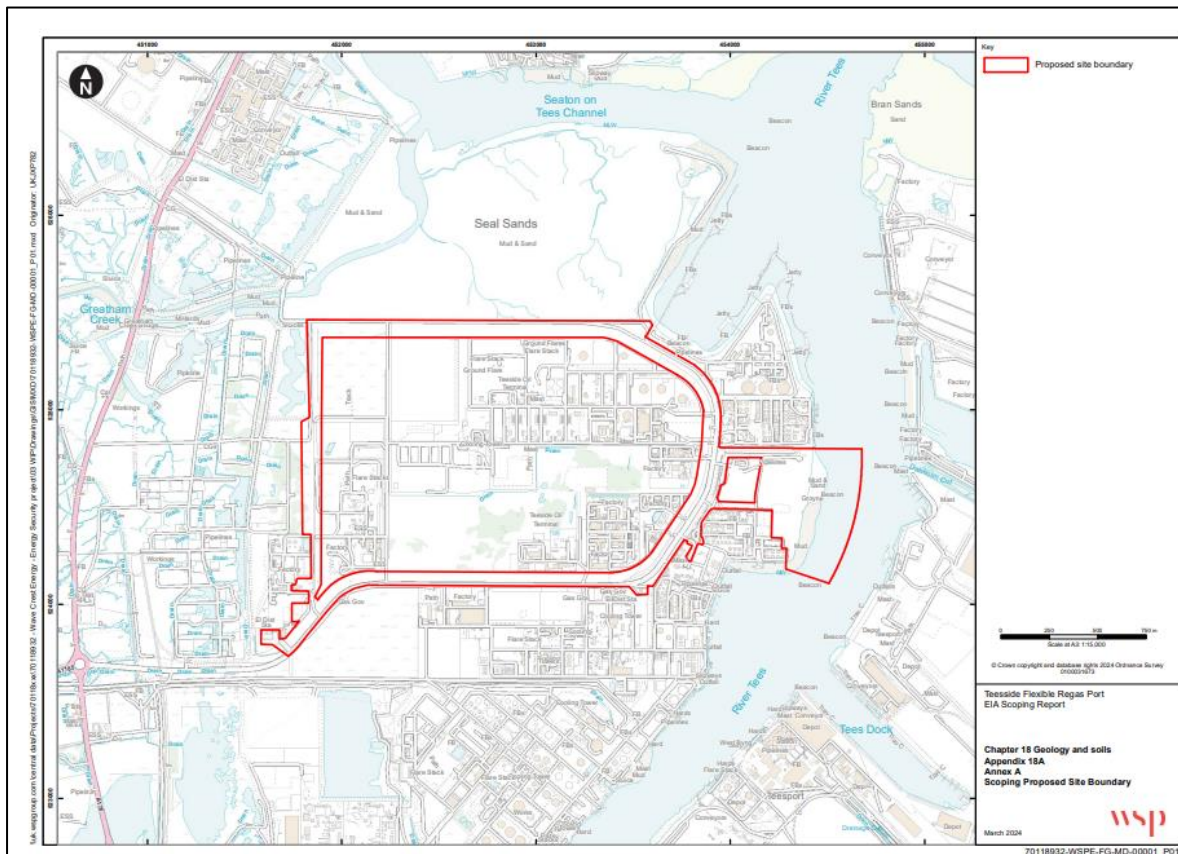


Figure 1 Proposed location of the Teesside Liquefied Natural Gas (LNG) import terminal and LNG regasification plant. Red line denotes the proposed site boundary including the location of the new jetty. Source: Applicant’s Scoping Report Volume II Appendices, Annex A, Location Plan.

2 Scoping Consultation Response

2.1 Statutory Framework and Purpose of the Environmental Statement

2.1.1 In accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the “EIA Regulations”), the Applicant has requested a Scoping Opinion from the Planning Inspectorate. As such, an Environmental Impact Assessment Scoping Report (Volume I – Main Text, Volume II Appendices & Volume III Figures) has been submitted (the “Report”).

2.1.2 Section 1.5 of the Applicant’s Scoping Report, Volume 1 states that the Report seeks to establish the overall framework for the EIA for the Proposed Scheme in relation to the environmental impacts and associated effects, with the Environmental Statement (ES) to be based on this EIA Scoping Report and the Scoping Opinion received.

2.1.3 It goes on to state that the exact scope of the EIA will also be influenced by the ongoing design evolution of the Proposed Scheme, baseline data collection and consultation and engagement with stakeholders. The MMO supports this approach.

2.1.4 The Applicant notes in Section 1.3 that the proposed Scheme involves the construction and operation of an LNG import facility for carrying gas and so is deemed to constitute EIA development and to require EIA as per Schedule 2(3)(b) and 2(3)(c) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

2.1.5 These Schedules are as follows:

3. Energy industry

(b) industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Schedule 1 to these Regulations).

(c) surface storage of natural gas.

Given the nature of the proposed activities, the Proposed Development will therefore be an ‘EIA development’.

2.2 Policy and Legislation

2.2.1 Section 3 of the Report notes the relevant key pieces of legislation associated with the Proposed Development, including the Planning Act 2008 & the Marine and Coastal Access Act 2009 (the “2009 Act”). The applicant acknowledges the need to apply for a Deemed Marine Licence (DML) as part the DCO process. The MMO welcomes the Applicant’s intention to discuss the approach and provisions around marine licensing and would encourage timely pre-application contact with the MMO to agree the drafting of a DML.

2.2.2 The Applicant makes clear reference to the UK Marine Policy Statement 2011 (“MPS”), with the Report noting that the Secretary of State (SoS) must have regard to the appropriate marine policy documents. The Applicant correctly identifies that the relevant Marine Plans for the location of the Proposed Development are the North East Inshore and North East Offshore Marine Plans.

2.2.3 The MMO acknowledges The Applicant has considered several Marine Plan Policies relating to land based infrastructure and energy generation as well as their statement that they consider that the Proposed Scheme is consistent with policy contained within the UK MPS and the North East Marine Plan.

2.2.4 The MMO expects the Applicant to clearly demonstrate how all relevant marine plan policies have been considered, as well as providing a statement noting whether the Proposed Development is compliant with the marine plan.

2.3 Consultation process

2.3.1 Section 4.2 of the Report states that as part of the EIA process the Applicant will undertake consultation with a range of statutory and non-statutory consultees including the MMO, Natural England, Environment Agency and local councils.

2.3.2 It also states that statutory consultation will be supported by the submission of a Preliminary Environmental Information Report (PEIR). The PEIR will provide a preliminary assessment to outline the likely significant environmental effects of the Proposed Scheme in advance of the application for development consent.

2.3.3 It should be noted that the MMO was unaware of the Proposed Development until the receipt of the Planning Inspectorate’s Scoping Request. The MMO welcomes ongoing engagement with the Applicant and will ensure comments are provided on the PEIR once it is available.

2.4 Scope and methodology for the assessment of effects of the Proposed Development on Marine Ecology.

2.4.1 The MMO contacted our scientific advisors at the Centre for Environment, Fisheries and Aquaculture Science (“Cefas”) for technical advice on the Proposed Development. However, due to timing constraints involved in providing this response Cefas have elected to defer comment until the review of the PEIR at such time as it becomes available.

2.4.2 As a result, this response does not include any comments regarding the study area, baseline environment, key receptors/sensitivities and potential likely significant effects, measures adopted or proposed assessment methodology as set out within the Report.

2.4.3 As noted above, the MMO is aware that a PEIR will be provided to the MMO for comment as prescribed under Section 42 of the Planning Act 2008. The MMO will work with Cefas to provide full comments on this.

3 Conclusion

3.1.1 The MMO has undertaken a high-level review of the Report and has provided initial observations of the Proposed Development and any legislative comments, rather than a technical opinion on the proposed scope of the associated EIA.

3.1.2 The MMO notes the intention to submit a PEIR; we will provide further comment in due course.

3.1.3 The MMO support the inclusion of a DML within any application for a DCO for the Proposed Development; we recommend that the Applicant engages with the MMO to agree the content of the DML prior to any eventual DCO application submission.



Maritime &
Coastguard
Agency

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

www.gov.uk/mca

Your Ref: EN040001-000020

10 April 2024

Via email: teessideregasport@planninginspectorate.gov.uk

Dear Planning Inspectorate

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Teesside Flexible Regas Port Limited (the Applicant) for an Order granting Development Consent for the Teesside Flexible Regas Port Project (the Proposed Development)

Thank you for your letter dated 13 March 2024 inviting comments on the Scoping Report for the proposed Teesside Flexible Regas Port development. 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 understand the marine works will include (but not limited to):

A new jetty designed for the delivery of LNG by mooring LNG carriers of up to 305 meters in length and 50 meters in beam;

- The Marine Jetty will be located on an intertidal foreshore area on the River Tees estuary,
- This intertidal foreshore also contains two disused pipes running across it to the River Tees, and

- The intertidal foreshore will be removed as part of the implementation of the Proposed Scheme with applicable habitat compensation.

The proposed project also includes dredging in the area to facilitate the deeper channel, with the dredging to a depth of 14.5m. The dredged material will likely be removed to existing disposal sites at sea. Ongoing maintenance dredging will be required to maintain LNG carrier deliveries at the Marine Jetty which will be the responsibility of PD Ports as part of their statutory duty.

We note that on this occasion the proposed project falls within the jurisdiction of a Statutory Harbour Authority (SHA) – PD Ports Ltd and they are therefore responsible for maintaining the safety of navigation within their waters at all times. The scope of the Navigation Risk Assessment (NRA) should be discussed and agreed with the SHA.

We note that AILs (comprising the Onshore Storage Tanks) will be transported to site by water, with the exception of machinery such as cranes. Further detail will be set out in the PEIR and ES, which we welcome.

Major Accidents and Disasters are covered in Chapter 14 and the potential of accidents on waterways is scoped in, as it is expected that the transportation of the storage tanks will be carried out on the River Tees during the construction phase.

Chapter 15 of the Scoping report covers Shipping and Navigation, and we note that a Navigation Risk Assessment (NRA) will be provided which will inform the Shipping and Navigation chapter of the Environmental Statement. We note that for the NRA, there will be annual AIS data that will cover seasonal variations as well as the consideration of non-AIS vessel traffic.

We are content that for shipping and navigation all known impacts from the construction, operation and maintenance phases of the project have been scoped in, and that the methodology will follow the Port Marine Safety Code (PMSC) and Guide to Good Practice. The intention is to ensure all hazards are identified, assess risk and the potential risk mitigations, and ensure that risks are As Low As Reasonably Practicable (ALARP).

We note that further consultation will take place with Teesport personnel including the Harbour Master, Pilots, Vessel Traffic Services (VTS), and other port users and will include a Navigational Hazard Review Workshop which we welcome.

Finally, The applicant will need to liaise and consult with the SHA and develop a robust Safety Management System (SMS) for the project in accordance with the Port Marine Safety Code and its associated Guide to Good Practice, to ensure that the risk and impact on other marine users are As Low As Reasonably Practicable. Further local stakeholder engagement will be required to determine the minimum acceptable provision and to determine the necessary risk mitigation measures for construction and operation of the project.

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 as the basis for the Environmental Statement from the shipping and navigation perspective. We support the shipping and navigation related impact pathways which are proposed to be scoped in during both the construction and operation of the development.

We hope you find this information useful at scoping stage.

Yours faithfully,



Helen Duncan
Marine Licensing Project Lead
UK Technical Services Navigation

From: [.Box.Assetprotection \(National Gas\)](#)
To: [Teesside Flexible Regas Port](#)
Subject: FW: [EXTERNAL] EN040001 - Teesside Flexible Regas Port Project - EIA Scoping Notification and Consultation
Date: 13 March 2024 13:14:09
Attachments: [image008.png](#)
[image009.png](#)
[image014.png](#)
[image002.png](#)
[image003.png](#)
[image001.png](#)
[image004.png](#)
[TFRP - Statutory Consultation Letter.pdf](#)

Good Afternoon,

Thank you for your email.

Regarding planning application EN040001 for Teesside Flexible Regas Port Project there are no National Gas assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Kind regards

Hayley White
Asset Protection Assistant

+44 (0) [REDACTED]
[REDACTED]



National Gas Transmission, Warwick Technology Park, Gallows Hill, Warwick, CV34 6DA
[REDACTED]

Please consider the environment before printing this email.

From: Teesside Flexible Regas Port <teessideregasport@planninginspectorate.gov.uk>
Sent: 13 March 2024 11:02
To: .Box.Assetprotection (National Gas) <box.assetprotection@grid.nationalgas.com>
Cc: Kamille Liddar (National Gas) [REDACTED]
Subject: [EXTERNAL] EN040001 - Teesside Flexible Regas Port Project - EIA Scoping Notification and Consultation

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Dear Sir/ Madam

Please see attached correspondence on the proposed Teesside Flexible Regas Port Project.

Please note the deadline for consultation responses is **10 April 2024**, which is a statutory requirement that cannot be extended.

Kind regards
Laura



Laura Feekins-Bate
Senior EIA Advisor
The Planning Inspectorate
T [REDACTED]



@PINSgov



The Planning Inspectorate



planninginspectorate.gov.uk

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For the registered information on National Gas Transmission please use the attached link: <https://nationalgas.com/about-us/corporate-registrations>.

Tiffany Bate
Development Liaison Officer
UK Land and Property

+44 (0) [REDACTED]

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:
teessideregasport@planninginspectorate.gov.uk

10 April 2024

Dear Sir/Madam

APPLICATION BY TEESSIDE FLEXIBLE REGAS PORT LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE TEESSIDE FLEXIBLE REGAS PORT PROJECT (THE PROPOSED DEVELOPMENT)

SCOPING CONSULTATION RESPONSE

I refer to your letter dated 13th March 2024 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 existing or future infrastructure within or in close proximity to the current red line boundary.

NGET has high voltage electricity overhead transmission lines, within close proximity to the scoping area. The overhead lines forms an essential part of the electricity transmission network in England and Wales.

Overhead Lines

ZZA ROUTE 400 kV OHL	LACKENBY - NORTON
XA ROUTE 400 kV OHL	LACKENBY - NORTON 400KV 1 HARTLEPOOL - TOD POINT

New infrastructure

Please refer to the Holistic Network Design (HND) and the National Grid ESO website to view the strategic vision for the UK's ever growing electricity transmission network. <https://www.nationalgrideso.com/future-energy/the-pathway-2030-holistic-network-design/hnd>

NGET requests that all existing and future assets are given due consideration given their criticality to distribution of energy across the UK. We remain committed to working with the promoter in a proactive manner, enabling both parties to deliver successful projects wherever reasonably possible.

As such we encourage that ongoing discussion and consultation between both parties is maintained on interactions with existing or future assets, land interests, connections or consents and any other NGET interests which have the potential to be impacted prior to submission of the Proposed DCO.

The Great Grid Upgrade is the largest overhaul of the electricity grid in generations, we are in the middle of a transformation, with the energy we use increasingly coming from cleaner greener sources. Our infrastructure projects across England and Wales are helping to connect more renewable energy to homes and businesses. To find out more about our current projects please refer to our network and infrastructure webpage. <https://www.nationalgrid.com/electricity-transmission/network-and-infrastructure/infrastructure-projects>. Where it has been identified that your project interacts with or is in close proximity to one of NGET's infrastructure projects, we would welcome further discussion at the earliest opportunity.

These projects are all essential to increase the overall network capability to connect the numerous new offshore wind farms that are being developed, and transport new clean green energy to the homes and businesses where it is needed.

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 and future 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.

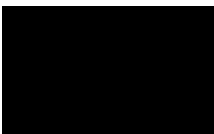
Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

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



**Tiffany Bate
Development Liaison Officer
Commercial and Customer Connections
Electricity Transmission Property Land and Property**



Legend

- Cable Accessories
 - Pilot Cable
 - Fibre Cable
 - Commissioned
 - Buried Cable
 - Commissioned
- Towers
 - OHL 275Kv
 - Commissioned
 - OHL 400Kv
 - Commissioned
- Substations
 - Commissioned

Notes

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Date: 4/10/2024
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Scale: 1:50,000

NG Disclaimer: National Grid UK Transmission. The asset position information represented on this map is the intellectual property of National Grid PLC (Warwick Technology Park, Warwick, CV346DA) and should not be used without prior authority of National Grid.
Note: Any sketches on the map are approximate and not captured to any particular level of precision.



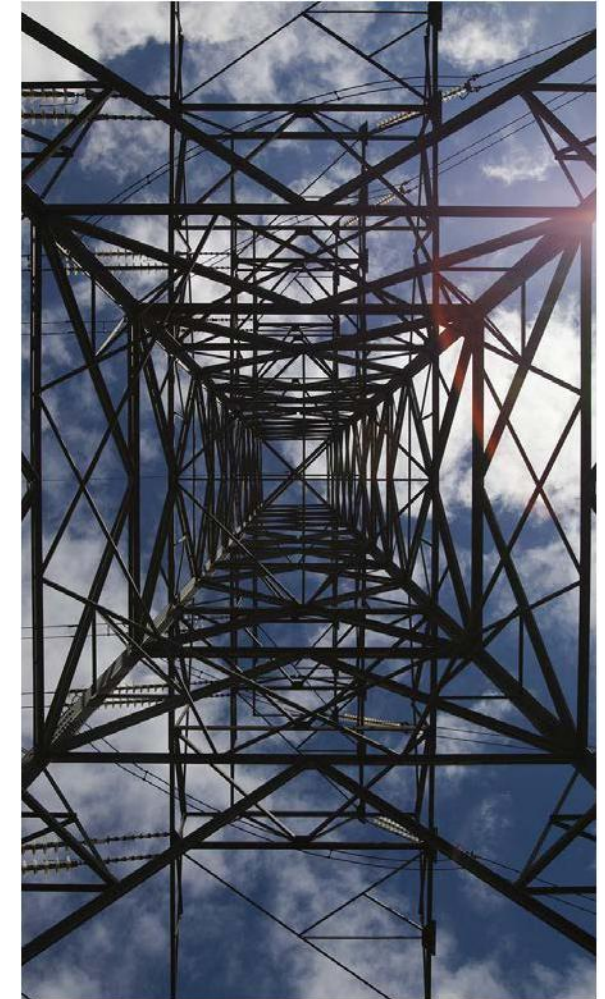
Technical Guidance Note 287

Third-party guidance for working near National Grid Electricity Transmission equipment





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Purpose and scope

The purpose of this document is to give guidance and information to third parties who are proposing, scheduling or designing developments close to National Grid Electricity Transmission assets.

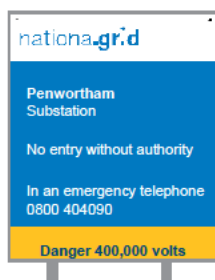
The scope of the report covers information on basic safety and the location of our assets – and also highlights key issues around particular types of development and risk areas.

In the case of electrical assets, National Grid does not authorise or agree safe systems of work with developers and contractors. However, we will advise on issues such as electrical safety clearances and the location of towers and cables. We also work with developers to minimise the impact of any National Grid assets that are nearby.

How to identify specific National Grid sites

Substations

The name of the Substation and emergency contact number will be on the site sign.



Overhead Lines

The reference number of the tower and the emergency contact number will be on this type of sign.



Contact National Grid

Plant protection

For routine enquiries regarding planned or scheduled works, contact the Asset Protection team online, by email or phone.

www.lsbud.co.uk

Email: assetprotection@nationalgrid.com

Phone: 0800 001 4282

Emergencies

In the event of occurrences such as a cable strike, coming into contact with an overhead line conductor or identifying any hazards or problems with National Grid's equipment, phone our emergency number 0800 404 090 (option 1).

If you have apparatus within 30m of a National Grid asset, please ensure that the emergency number is included in your site's emergency procedures.

Consider safety

Consider the hazards identified in this document when working near electrical equipment



Part 1

Electricity transmission infrastructure

National Grid owns and maintains the high-voltage electricity transmission network in England and Wales (Scotland has its own networks). It's responsible for balancing supply with demand on a minute-by-minute basis across the network.

Overhead lines

Overhead lines consist of two main parts – pylons (also called towers) and conductors (or wires). Pylons are typically steel lattice structures mounted on concrete foundations. A pylon's design can vary due to factors such as voltage, conductor type and the strength of structure required.

Conductors, which are the 'live' part of the overhead line, hang from pylons on insulators. Conductors come in several different designs depending on the amount of power that is transmitted on the circuit.

In addition to the two main components, some Overhead Line Routes carry a Fibre Optic cable between the towers with an final underground connection to the Substations.

In most cases, National Grid's overhead lines operate at 275kV or 400kV.

Underground cables

Underground cables are a growing feature of National Grid's network. They consist of a conducting core surrounded by layers of insulation and armour. Cables can be laid in the road, across open land or in tunnels. They operate at a range of voltages, up to 400kV.

Substations

Substations are found at points on the network where circuits come together or where a rise or fall in voltage is required. Transmission substations tend to be large facilities containing equipment such as power transformers, circuit breakers, reactors and capacitors. In addition Diesel generators and compressed air systems can be located there.

Part 2

Statutory requirements for working near high-voltage electricity

The legal framework that regulates electrical safety in the UK is *The Electricity Safety, Quality and Continuity Regulations (ESQCR) 2002*. This also details the minimum electrical safety clearances, which are used as a basis for the Energy Networks Association (ENA) TS 43-8. These standards have been agreed by CENELEC (European Committee for Electrotechnical Standardisation) and also form part of the *British Standard BS EN 50341-1:2012 Overhead Electrical Lines exceeding AC 1kV*. All electricity companies are bound by these rules, standards and technical specifications. They are required to uphold them by their operator's licence.

Electrical safety clearances

It is essential that a safe distance is kept between the exposed conductors and people and objects when working near National Grid's electrical assets. A person does not have to touch an exposed conductor to get a life-threatening

electric shock. At the voltages National Grid operates at, it is possible for electricity to jump up to several metres from an exposed conductor and kill or cause serious injury to anyone who is nearby. For this reason, there are several legal requirements and safety standards that must be met.

Any breach of legal safety clearances will be enforced in the courts. This can and has resulted in the removal of an infringement, which is normally at the cost of the developer or whoever caused it to be there. Breaching safety clearances, even temporarily, risks a serious incident that could cause serious injury or death.

National Grid will, on request, advise planning authorities, developers or third parties on any safety clearances and associated issues. We can supply detailed drawings of all our overhead line assets marked up with relevant safe areas.



« Section continued from previous page

Your Responsibilities - Overhead lines

Work which takes place near overhead power lines carries a significant risk of coming into proximity with the wires. If any person, object or material gets too close to the wires, electricity could 'flashover' and be conducted to earth, causing death or serious injury. You do not need to touch the wires for this to happen. The law requires that work is carried out in close proximity to live overhead power lines only when there is no alternative, and only when the risks are acceptable and can be properly controlled. Statutory clearances exist which must be maintained, as prescribed by the Electricity Safety, Quality and Continuity Regulations 2002.

Under the Health and Safety at Work etc. Act 1974 and Management of Health and Safety at Work Regulations 1999, you are responsible for preparing a suitable and sufficient risk assessment and safe systems of work, to ensure that risks are managed properly and the safety of your workforce and others is maintained. Your risk assessment must consider and manage all of the significant risks and put in place suitable precautions/controls in order to manage the work safely. You are also responsible for ensuring that the precautions identified are properly implemented and stay in place throughout the work.

Work near overhead power lines must always be conducted in accordance with GS6, 'avoiding danger from overhead power lines', and any legislation which is relevant to the work you are completing.

What National Grid will provide

National Grid can supply profile drawings in PDF and CAD format showing tower locations and relevant clearances to assist you in the risk assessment process.

What National Grid will not provide

National Grid will not approve safe systems of work or approve design proposals

Part 3

What National Grid will do for you and your development

Provision of information

National Grid should be notified during the planning stage of any works or developments taking place near our electrical assets, ideally a minimum notification period of 8 weeks to allow National Grid to provide the following services:

Drawings

National Grid will provide relevant drawings of overhead lines or underground cables to make sure the presence and location of our services are known. Once a third party or developer has contacted us, we will supply the drawings for free.

Risk or impact identification

National Grid can help identify any hazards or risks that the presence of our assets might bring to any works or developments. This includes both the risk to safety from high-voltage electricity and longer-term issues, such as induced currents, noise and maintenance access that may affect the outcome of the development. National Grid will not authorise specific working procedures, but we can provide advice on best practice.

400kV

The maximum nominal voltage of the underground cables in National Grid's network





Risks or hazards to be aware of

This section includes a brief description of some of the hazards and issues that a third party or developer might face when working or developing close to our electrical infrastructure.

Land and access

National Grid has land rights in place with landowners and occupiers, which cover our existing overhead lines and underground cable network. These agreements, together with legislation set out under the *Electricity Act 1989*, allow us to access our assets to maintain, repair and renew them. The agreements also lay down restrictions and covenants to protect the integrity of our assets and meet safety regulations. Anyone proposing a development close to our assets should carefully examine these agreements.

Our agreements often affect land both inside and outside the immediate vicinity of an asset. Rights will include the provision of access, along with restrictions that ban the development of land through building, changing levels, planting and other operations. Anyone looking to develop close to our assets must consult with National Grid first.

For further information, contact Asset Protection:

Email: assetprotection@nationalgrid.com
Phone: 0800 001 4282

Electrical clearance from overhead lines

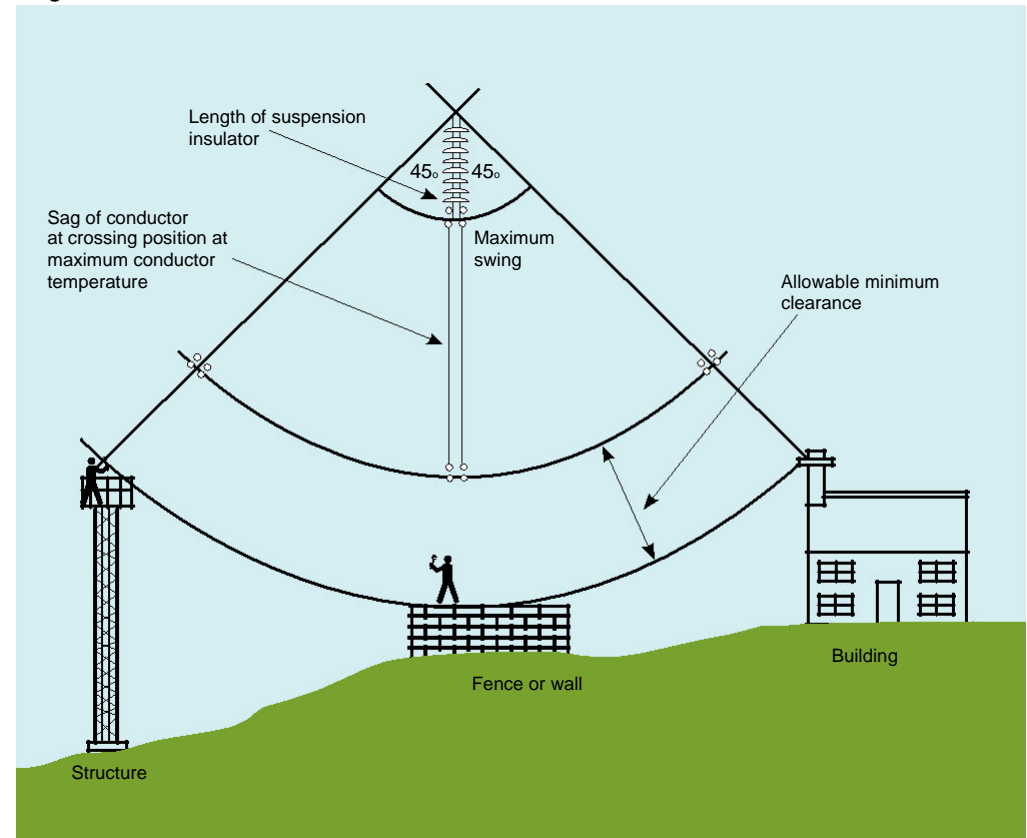
The clearance distances referred to in this section are specific to 400kV overhead lines. National Grid can advise on the distances required around different voltages i.e. 132kV and 275kV.

As we explained earlier, *Electrical Networks Association TS 43-8* details the legal clearances to our overhead lines. The minimum clearance between the conductors of an overhead line and the ground is 7.3m at maximum sag. The sag is the vertical distance between the wire's highest and lowest point. Certain conditions, such as power flow, wind speed and air temperature can cause conductors to move and allowances should be made for this.

The required clearance from the point where a person can stand to the conductors is 5.3m. To be clear, this means there should be at least 5.3m from where someone could stand on any structure (i.e. mobile and construction equipment) to the conductors. Available clearances will be assessed by National Grid on an individual basis.

National Grid expects third parties to implement a safe system of work whenever they are near Overhead Lines.

Diagram not to scale



There should be at least 5.3m between the conductors and any structure someone could stand on

We recommend that guidance such as *HSE Guidance Note GS6 (Avoiding Danger from Overhead Power Lines)* is followed, which provides advice on how to avoid danger from all overhead lines, at all voltages. If you are carrying out work near overhead lines you must contact National Grid, who will provide the relevant profile drawings.

7.3m

The required minimum clearance between the conductors of an overhead line, at maximum sag, and the ground

Section continues on next page »



The undergrounding of electricity cables at Ross-on-Wye

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Underground cables Underground cables operating at up to 400kV are a significant part of the National Grid Electricity Transmission network. When your works will involve any ground disturbance it is expected that a safe system of work is put in place and that you follow guidance such as *HSG 47 (Avoiding Danger from Underground Services)*.

You must contact National Grid to find out if there are any underground cables near your proposed works. If there are, we will provide cable profiles and location drawings and, if required, on-site supervision of the works. Cables can be laid under roads or across industrial or agricultural land. They can even be layed in canal towpaths and other areas that you would not expect.

Cables crossing any National Grid high-voltage (HV) cables directly buried in the ground are required to maintain a minimum separation that will be determined by National Grid on a case-by-case basis. National Grid will need to do a rating study on the existing cable to work out if there are any adverse effects on either cable rating. We will only allow a cable to cross such an area once we know the results of the re-rating. As a result, the clearance distance may need to be increased or alternative methods of crossing found.

For other cables and services crossing the path of our HV cables, National Grid will need confirmation that published standards and clearances are met.

Impressed voltage

Any conducting materials installed near high-voltage equipment could be raised to an elevated voltage compared to the local earth, even when there is no direct contact with the high-voltage equipment. These impressed voltages are caused by inductive or capacitive coupling between the high-voltage equipment and nearby conducting materials and can occur at distances of several metres away from the

equipment. Impressed voltages may damage your equipment and could potentially injure people and animals, depending on their severity. Third parties should take impressed voltages into account during the early stages and initial design of any development, ensuring that all structures and equipment are adequately earthed at all times.

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Earth potential rise

Under certain system fault conditions – and during lightning storms – a rise in the earth potential from the base of an overhead line tower or substation is possible. This is a rare phenomenon that occurs when large amounts of electricity enter the earth. This can pose a serious hazard to people or equipment that are close by.

We advise that developments and works are not carried out close to our tower bases, particularly during lightning storms.

Noise

Noise is a by-product of National Grid's operations and is carefully assessed during the planning and construction of any of our equipment. Developers should consider the noise emitted from National Grid's sites or overhead lines when planning any developments, particularly housing. Low-frequency hum from substations can, in some circumstances, be heard up to 1km or more from the site, so it is essential that developers find adequate solutions for this in their design. Further information about likely noise levels can be provided by National Grid.

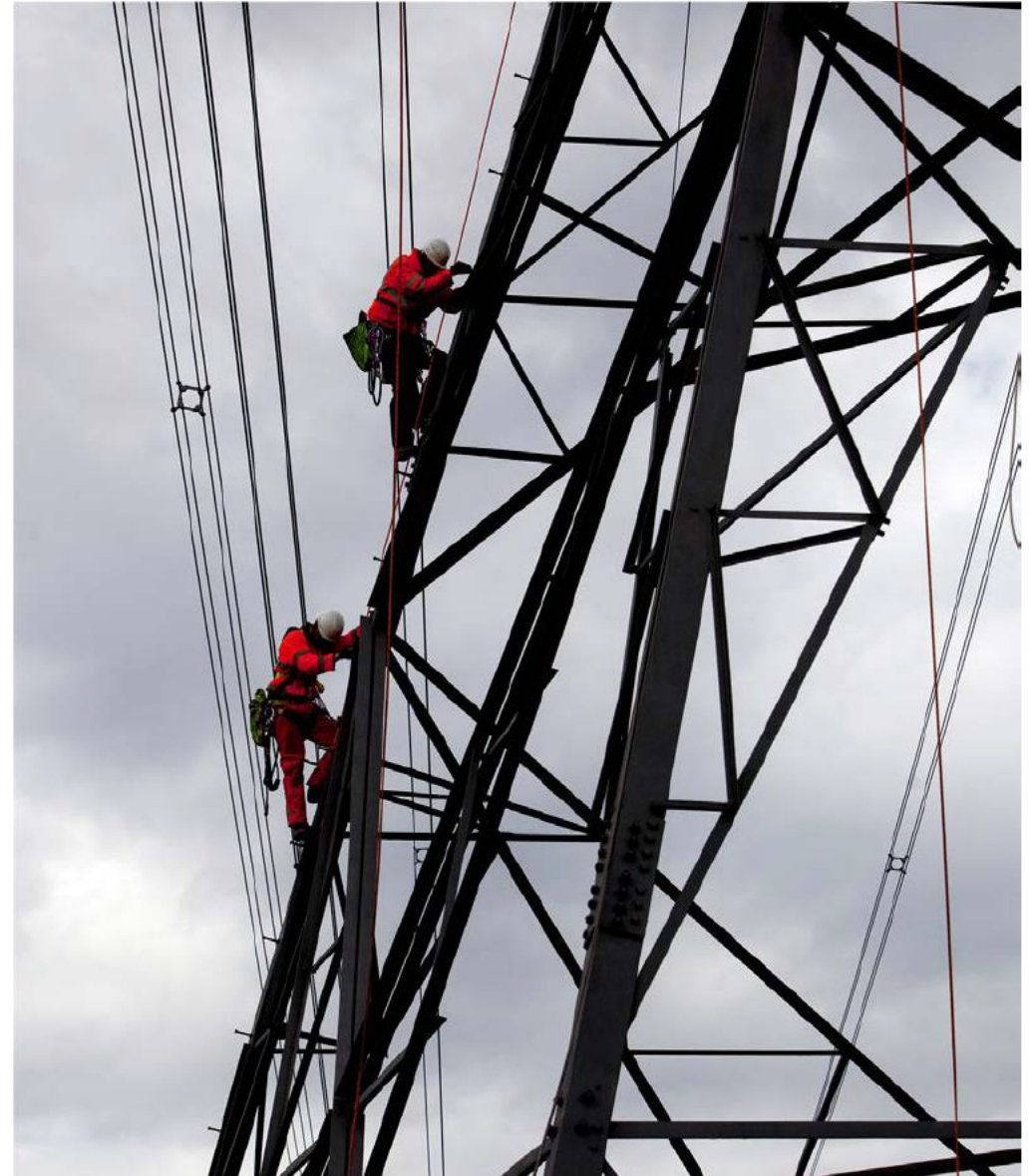
Maintenance access

National Grid needs to have safe access for vehicles around its assets and work that restricts this will not be allowed. In terms of our overhead lines, we wouldn't want to see any excavations made, or permanent structures built, that might affect the foundations of our towers. The size of the foundations around a tower base depends on the type of tower that is built there. If you wish to carry out works within 30m of the tower base, contact National Grid for more information. Our business has to maintain access routes to tower bases with land owners. For that reason, a route wide enough for an HGV must be permanently available. We may need to access our sites, towers, conductors and underground cables at short notice.

30m

If you wish to carry out work within this distance of the tower base, you must contact National Grid for more information

Section continues on next page »





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Fires and firefighting

National Grid does not recommend that any type of flammable material is stored under overhead lines. Developers should be aware that in certain cases the local fire authority will not use water hoses to put out a fire if there are live, high-voltage conductors within 30m of the seat of the fire (as outlined in ENA TS 43-8).

In these situations, National Grid would have to be notified and reconfigure the system – to allow staff to switch out the overhead line – before any firefighting could take place. This could take several hours.

We recommend that any site which has a specific hazard relating to fire or flammable material should include National Grid's emergency contact details (found at the beginning and end of this document) in its fire plan information, so any incidents can be reported.

Developers should also make sure their insurance cover takes into account the challenge of putting out fires near our overhead lines.

Excavations, piling or tunnelling

You must inform National Grid of any works that have the potential to disturb the foundations of our substations or overhead line towers. This will have to be assessed by National Grid engineers before any work begins.

BS ISO 4866:2010 states that a minimum distance of 200m should be maintained when carrying out quarry blasting near our assets. However, this can be reduced with specific site surveys and changes to the maximum instantaneous charge (the amount of explosive detonated at a particular time).

All activities should observe guidance layed out in BS 5228-2:2009.

Microshocks

High-voltage overhead power lines produce an electric field. Any person or object inside this field that isn't earthed picks up an electrical charge. When two conducting objects – one that is grounded and one that isn't – touch, the charge can equalise and cause a small shock, known as a microshock. While they are not harmful, they can be disturbing for the person or animal that suffers the shock.

For these reasons, metal-framed and metal-clad buildings which are close to existing overhead lines should be earthed to minimise the risk of microshocks. Anything that isn't earthed, is conductive and sits close to the lines is likely to pick up a charge. Items such as deer fences, metal palisade fencing, chain-link fences and metal gates underneath overhead lines all need to be earthed.

For further information on microshocks please visit www.emfs.info.



200m

The minimum distance that should be maintained from National Grid assets when quarry blasting



Specific development guidance

Wind farms

National Grid's policy towards wind farm development is closely connected to the *Electricity Networks Association Engineering Recommendation L44 Separation between Wind Turbines and Overhead Lines, Principles of Good Practice*. The advice is based on national guidelines and global research. It may be adjusted to suit specific local applications.

There are two main criteria in the document:

(i) The turbine shall be far enough away to avoid the possibility of toppling onto the overhead line

(ii) The turbine shall be far enough away to avoid damage to the overhead line from downward wake effects, also known as turbulence

The toppling distance is the minimum horizontal distance between the worst-case pivot point of the wind turbine and the conductors hanging in still air. It is the greater of:

- the tip height of the turbine plus 10%
- or, the tip height of the turbine plus the electrical safety distance that applies to the voltage of the overhead line.

To minimise the downward wake effect on an overhead line, the wind turbine should be three times the rotor distance away from the centre of the overhead line.

Wake effects can prematurely age conductors and fittings, significantly reducing the life of the asset. For that reason, careful consideration should be taken if a wind turbine needs to be sited within the above limits. Agreement from National Grid will be required.

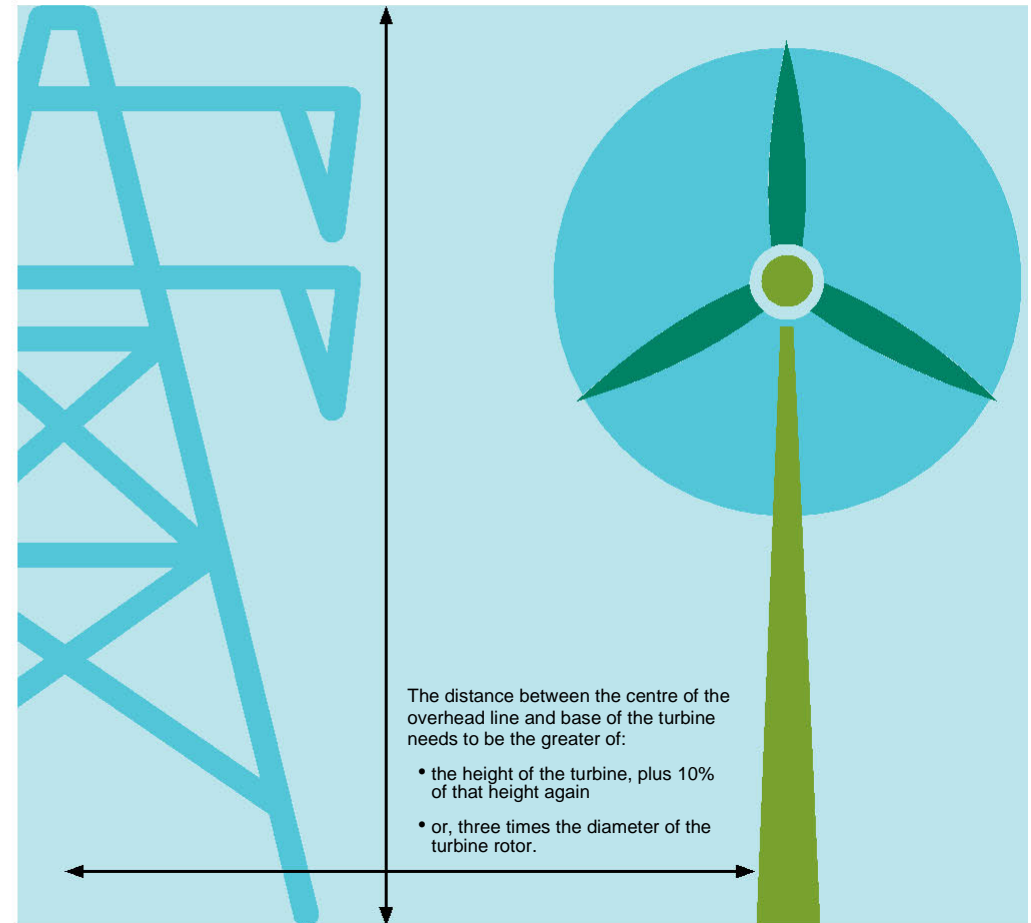
Commercial and housing developments

National Grid has developed a document called *Design guidelines for development near pylons and HVO power lines*, which gives advice to anyone involved in planning or designing large-scale developments that are crossed by, or close to, overhead lines.

The document focuses on existing 275kV and 400kV overhead lines on steel lattice towers, but can equally apply to 132kV and below. The document explains how to design large-scale developments close to high-voltage lines, while respecting clearances and the development's visual and environmental impact.

Section continues on next page »

Diagram not to scale



Turbines should be far enough away to avoid the possibility of toppling onto the overhead line



« Section continued from previous page

The advice is intended for developers, designers, landowners, local authorities and communities, but is not limited to those organisations.

Overall, developers should be aware of all the hazards and issues relating to the electrical equipment that we have discussed when designing new housing.

As we explored earlier, National Grid's assets have the potential to create noise. This can be low frequency and tonal, which makes it quite noticeable. It is the responsibility of developers to take this into account during the design stage and find an appropriate solution.

Solar farms

While there is limited research and recommendations available, there are several key factors to consider when designing Solar Farms in the vicinity of Overhead Power Lines.

Developers may be looking to build on arable land close to National Grid's assets. In keeping with the safety clearance limits that we outlined earlier for solar panels directly underneath overhead line conductors, the highest point on the solar panels must be no more than 5.3m from the lowest conductors.

This means that the maximum height of any structure will need to be determined to make sure safety clearance limits aren't breached. This could be as low as 2m. National Grid will supply profile drawings to aid the planning of solar farms and determine the maximum height of panels and equipment.

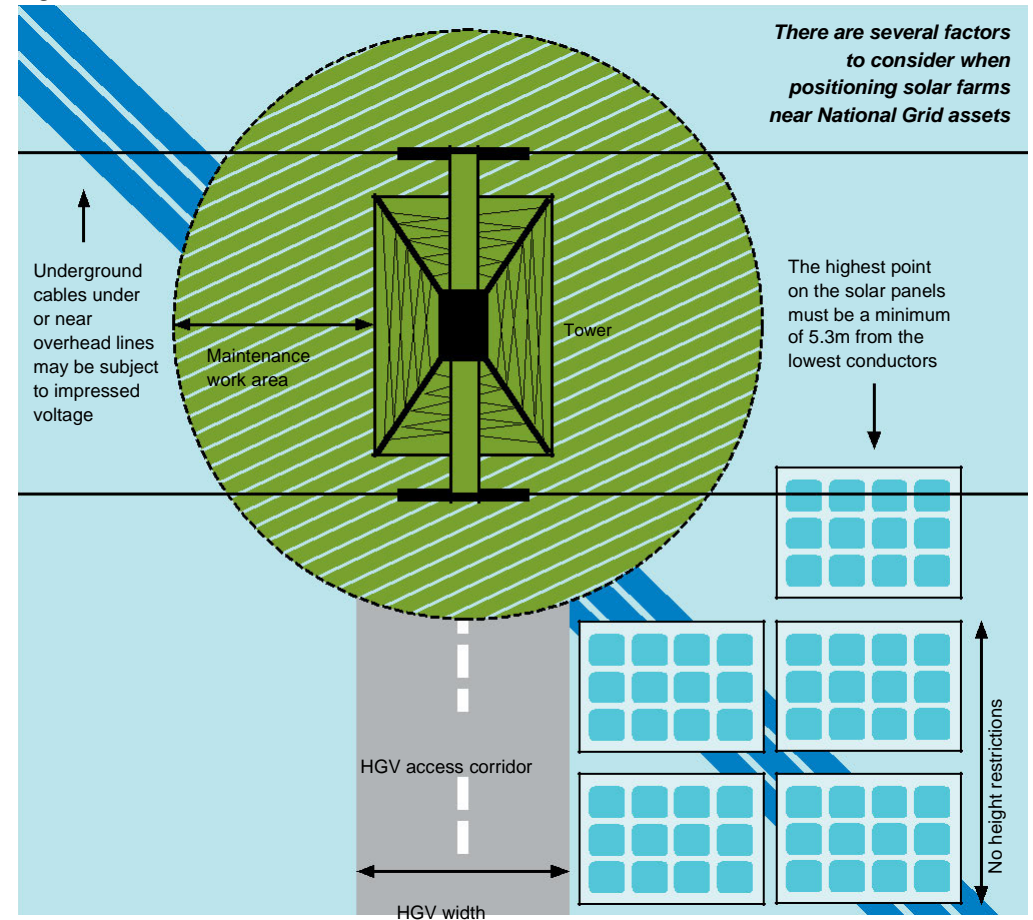
Solar panels that are directly underneath power lines risk being damaged on the rare occasion that a conductor or fitting falls to the ground. A more likely risk is ice falling from conductors or towers in winter and damaging solar panels.

There is also a risk of damage during adverse weather conditions, such as lightning storms, and system faults. As all our towers are earthed, a weather event such as lightning can cause a rise in the earth potential around the base of a tower. Solar panel support structures and supply cables should be adequately earthed and bonded together to minimise the effects of this temporary rise in earth potential.

Any metallic fencing that is located under an overhead line will pick up an electrical charge. For this reason, it will need to be adequately earthed to minimise microshocks to the public.

For normal, routine maintenance and in an emergency National Grid requires unrestricted access to its assets. So if a tower is enclosed in a solar farm compound, we will need full access for our vehicles,

Diagram not to scale



Including access through any compound gates. During maintenance – and especially re-conductoring – National Grid would need enough space near our towers for winches and cable drums. If enough space is not available, we would require solar panels to be temporarily removed.



Asset protection agreements

In some cases, where there is a risk that development will impact on National Grid's assets, we will insist on an asset protection agreement being put in place. The cost of this will be the responsibility of the developer or third party.

Contact details

Emergency situations

If you spot a potential hazard on or near an overhead electricity line, do not approach it, even at ground level. Keep as far away as possible and follow the six steps below:

- Warn anyone close by to evacuate the area
- Call our 24-hour electricity emergency number: 0800 404 090 (Option 1)¹
- Give your name and contact phone number
- Explain the nature of the issue or hazard
- Give as much information as possible so we can identify the location – i.e. the name of the town or village, numbers of nearby roads, postcode and (ONLY if it can be observed without putting you or others in danger) the tower number of an adjacent pylon
- Await further contact from a National Grid engineer

¹ It is critically important that you don't use this phone number for any other purpose. If you need to contact National Grid for another reason please use our Contact Centre at www2.nationalgrid.com/contact-us to find the appropriate information or call 0800 0014282.

Routine enquiries

Email:
assetprotection@nationalgrid.com

Call Asset Protection on:
0800 0014282

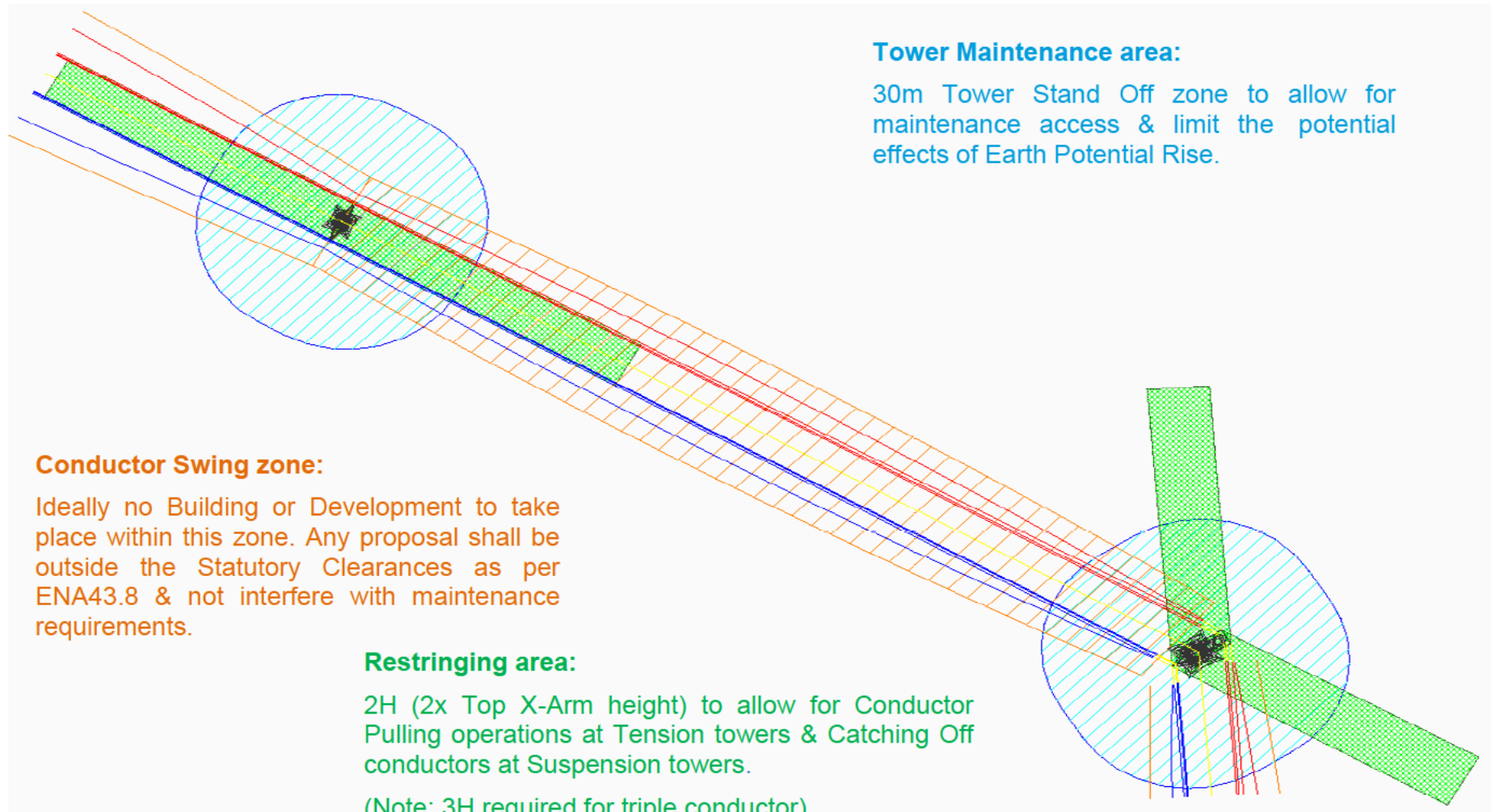
Opening hours:
Monday to Friday 08:00-16:00

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OHL Tower Stand Off & Reconducting Area



Our ref: DevTV0205 NH/24/05521
Your ref: EN040001-000020

Chris Bell
Planning Manager
National Highways
2 City Walk
Leeds
LS11 9AT

Tel: + 44 (0) [REDACTED]

FAO: Planning Inspectorate

3 April 2024

Dear Sir/Madam,

SCOPING CONSULTATION FOR APPLICATION BY TEESSIDE FLEXIBLE REGAS PORT LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE TEESSIDE FLEXIBLE REGAS PORT PROJECT

Thank you consulting with us regarding the above Scoping Opinion. National Highways has reviewed the Environmental Impact Assessment [EIA] Scoping Report and would offer the following comments.

We support the identification of DfT Circular 01/2022 as a relevant policy.

We request to be consulted on the upcoming Preliminary Environmental Information Report (PEIR), Transport Statement (TS), and Outline Construction Traffic Management Plan (CTMP).

The Applicant proposes to scope out assessment of the traffic and transport impacts during the operation phase. We understand that this is on the basis that:

“... the Proposed Scheme will be unmanned, except when an LNG delivery is taking place whereby two workers (operators) will be present up to 80 times a year. Staff will also be required to provide 24-hour security, as well as CCTV during idle periods at the terminal. It is anticipated that maintenance would not involve AILSs, and would take place every 5 or 10 years.”

National Highways supports the approach to scope out the assessment of the traffic and transport impacts during the operation phase, subject to the upcoming TS confirming that the above statement remains appropriate.

It is proposed that construction traffic impacts will be within scope and that “The Outline CTMP will provide details of procedures for construction related traffic, including, number of vehicles; routes; frequency and timing of movements; worker hours and shift patterns; laydown areas and parking”. Considering the scale of the proposed construction and the possible impact at the Strategic Road Network (SRN), we support the approach to scope in construction traffic impacts and for an Outline CTMP to be submitted.

It is stated that "... equipment and materials will be delivered directly to the Site via the A19(T)/A689 Wynyard Junction and the A19 Portrack Interchange", however, the proposed study area does not include these Junctions. We request further evidence to demonstrate why it is appropriate to exclude these junctions from the study area. If upon review of this evidence we conclude that there is a requirement for a section/junction of the SRN to be included in the study area, we may require further evidence relating to the assessment methodology. We would also note that the A19(T)/A689 Wynyard Junction is subject to a committed mitigation scheme (drawing attached) and that, if the proposed development assigns a potentially significant number of trips to this junction, detailed assessments are likely to be required. The Applicant must also demonstrate that the construction phase for this development will not create a significant constraint to the delivery of the committed mitigation scheme.

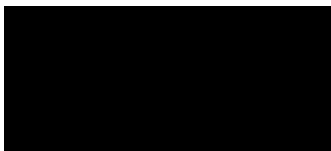
We would also expect the Applicant to demonstrate any cumulative impacts associated from committed developments in the region. The Applicant will also need to consider (potentially though a sensitivity scenario) any cumulative effects associated with emerging developments (such as the [Lighthouse Green Fuels Project](#)).

It is proposed that "... AILs (comprising the Onshore Storage Tanks) will be transported to site by water, with the exception of machinery such as cranes". We support the proposal that further information regarding AIL movements will be provided in the PEIR and ES. It would be National Highways preference for all AIL movements to be transported to site by water, however, if this is not possible or feasible and AIL movements are required at the SRN, we will require further detailed evidence and commitments to due process. We note that an AIL strategy is proposed for the decommissioning phase; we would query whether an AIL strategy will also be prepared for the construction phase.

As a result of "... the methodology to assess the traffic and transport impacts arising from the Proposed Scheme will be refined for the Preliminary Environmental Information Report (PEIR) and Environmental Statement (ES)" and due to the study area excluding all sections of the SRN, we would withhold comment on the methodology to assess the traffic and transport at this stage.

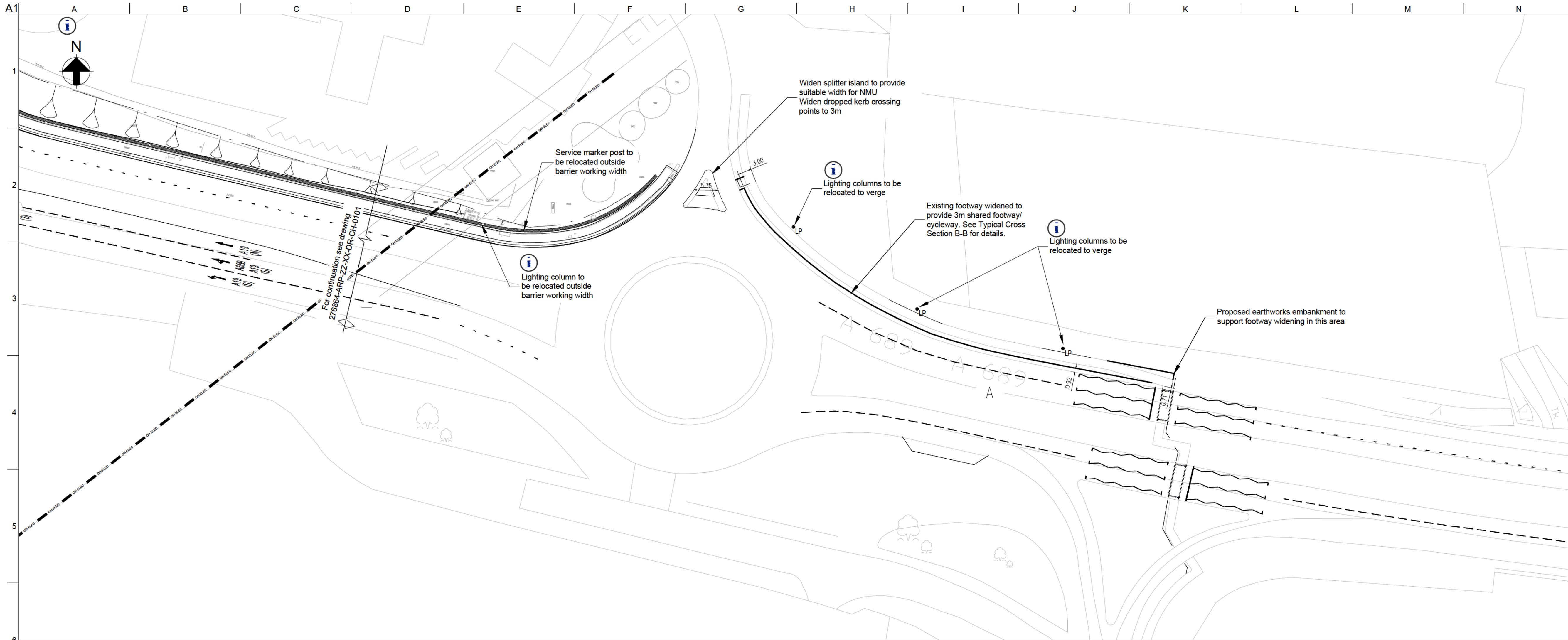
I trust this response is helpful, but should you require any further information please do not hesitate to contact me.

Regards

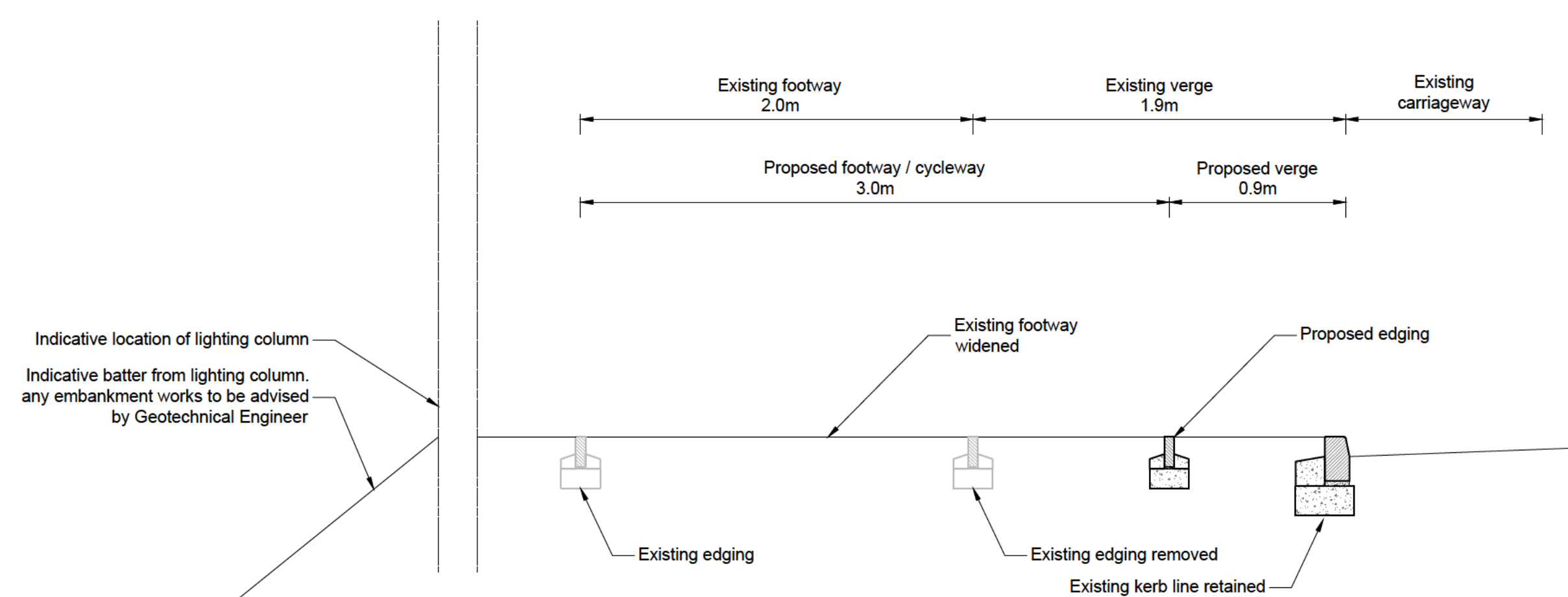


Chris Bell,
Planning and Development





- Notes:**
- This drawing is based on the WSP drawing number WSP-WYP-0545-DR-GA-001 Sheet 2 Rev P03 dated September 2020. Drawing received 16-02-2021.
 - No additional design work has been carried out a review of the design.
 - Minor amendments to the drawing have been carried out to clarify details of the proposed works.



Typical Section B-B
Scale 1:25

- Key**
- Existing edging
 - Proposed edging
 - Top of embankment
 - ▨ Restrain barrier working width
 - IC/EL Affected street furniture
 - Existing parapet
 - - - Existing VRS to remain
 - Proposed VRS
 - Signals to be made passively safe
 - Proposed edge of carriageway

- Street Furniture Key**
- KS Road sign
 - o LP Street lighting column
 - o VP Vent pipe
 - o MK Service marker post
 - o MH Manhole
 - IC/EL Inspection chamber

- Key to Health and Safety Symbols**
- ⦿ Indicates a residual risk requiring a Compulsory Action.
 - ⓘ Indicates a residual risk for Information.
 - ⊘ Indicates a residual risk requiring a Prohibitive Action.
 - ⚠ Indicates a residual risk as a Warning.

- Notes:**
- This drawing is to be read in conjunction with all other drawings and reports related to this application.
 - All dimensions are in metres unless otherwise stated.
 - Any discrepancies, errors or omissions on this drawing are to be brought to the attention of the design organisation.
 - Existing ironwork to be adjusted as required.
 - Suitability of embankment for relocated signs and columns to be confirmed by Geotechnical Engineer.
 - No utilities searches have been undertaken by WSP. Existing utilities are not shown and are to be confirmed/proven by contractor prior to any intrusive works.
 - Topographical survey by Malcolm Hughes (Ref: 54224_02_29-08-19).

Issue	Date	By	Chkd	Appd

ARUP

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Newcastle upon Tyne NE1 3PL
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www.arup.com

Client
Tees Valley Combined Authority

Job Title
A19/A689 Roundabout Improvement Works

Drawing Title
General Arrangement Sheet 2 of 2

Scale at A1 1:500

Discipline **Civils**

Drawing Status **For Information**

Job No
276864-00

Drawing No
276864-ARP-ZZ-XX-DR-CH-0102

From: [ROSSI, Sacha](#)
To: [Teesside Flexible Regas Port](#)
Cc: [NATS Safeguarding](#)
Subject: RE: EN040001 - Teesside Flexible Regas Port Project - EIA Scoping Notification and Consultation [SG37090]
Date: 14 March 2024 09:47:37
Attachments: [image002.png](#)
[image005.png](#)
[image006.png](#)
[image010.png](#)
[image011.png](#)
[image013.png](#)
[image014.png](#)
[image015.png](#)
[image017.png](#)
[image018.png](#)
[image019.png](#)
[image020.jpg](#)
[image001.png](#)
[image003.png](#)

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Dear Sirs,

NATS operates no infrastructure within 10km of the proposed development site. Accordingly it anticipates no impact from the development and has no comments to make on the Application.

Regards
S. Rossi
NATS Safeguarding Office



Sacha Rossi
ATC Systems Safeguarding Engineer

D: [REDACTED]

E: [REDACTED]

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



From: Teesside Flexible Regas Port <teessideregasport@planninginspectorate.gov.uk>
Sent: Wednesday, March 13, 2024 10:45 AM
Cc: Teesside Flexible Regas Port <teessideregasport@planninginspectorate.gov.uk>
Subject: EN040001 - Teesside Flexible Regas Port Project - EIA Scoping Notification and Consultation

Your attachments have been security checked by Mimecast Attachment Protection. Files where no threat or malware was detected are attached.

Dear Sir/ Madam

Please see attached correspondence on the proposed Teesside Flexible Regas Port Project.

Please note the deadline for consultation responses is **10 April 2024**, which is a statutory requirement that cannot be extended.

Kind regards

Laura



Laura Feekins-Bate
Senior EIA Advisor
The Planning Inspectorate
T [REDACTED]



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[The Planning Inspectorate](#)



[planninginspectorate.gov.uk](#)

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DPC:76616c646f72



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Date: 10 April 2024
Our ref: 469832
Your ref: EN040001



Laura Feekins-Bate
The Planning Inspectorate
teessideregaspport@planninginspectorate.gov.uk

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

T 0300 060 900

BY EMAIL ONLY

Dear Laura

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

Proposal: Application by Teesside Flexible Regas Port Limited (the Applicant) for an Order granting Development Consent for the Teesside Flexible Regas Port Project (the Proposed Development)

Location: Land at Seal Sands, near Stockton-on-Tees, Teesside

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 13 March 2024, received on 13 March 2024.

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 (DCO). 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 has begun pre-application engagement with the Applicant. These discussions are at an early stage, but we note the Applicant's aspiration to progress quickly through the pre-application process and will work to these timescales, where possible.

Based on the information that we have seen to-date, the proposal is likely to have significant impacts on the Teesmouth and Cleveland Special Protection Area (SPA), Ramsar, and Site of Special Scientific Interest (SSSI). This includes:

- Loss of intertidal foreshore habitat, which supports SPA/SSSI features,
- Disturbance of SPA/Ramsar/SSSI features, in the terrestrial and marine environments,
- Air quality impacts to SSSI habitats,
- Water quality impacts to the SPA/Ramsar/SSSI.

It is Natural England's advice that the loss of intertidal foreshore within the SPA is likely to be considered an adverse effect on site integrity, as it will result in a net loss of supporting

habitat. We understand that an existing permission exists to dredge in this area and will work with the applicant to understand the implications for this proposal. However, it is our view that the impacts to (and loss of) intertidal habitat should be fully assessed through the Habitats Regulations assessment for this project.

At this stage, there is not sufficient information on the other impacts to provide substantive advice on their significance. However, we welcome that these impacts have been screened in for further assessment.

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 [REDACTED] and copy to consultations@naturalengland.org.uk.

Yours sincerely

Nick Lightfoot
Northumbria Area Team

Annex A – Natural England’s Advice on EIA Scoping

1. General principles

- 1.1. Regulation 11 of the Infrastructure Planning Regulations 2017 - (The EIA Regulations) sets out the information that should be included in an ES to assess impacts on the natural environment. This includes:
 - 1.1.1. A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
 - 1.1.2. Appropriately scaled and referenced plans which clearly show the information and features associated with the development
 - 1.1.3. An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
 - 1.1.4. A description of the aspects and matters requested to be scoped out of further assessment with adequate justification provided¹.
 - 1.1.5. Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
 - 1.1.6. 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
 - 1.1.7. 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
 - 1.1.8. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
 - 1.1.9. An outline of the structure of the proposed ES

2. Cumulative and in-combination effects

- 2.1. The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.
- 2.2. An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject

¹ National Infrastructure Planning [Advice Note Seven, Environmental Impact Assessment, Process, Preliminary Environmental Information and Environmental Statements](#) (see Insert 2 – information to be provided with a scoping request)

to available information):

- 2.2.1. existing completed projects
 - 2.2.2. approved but uncompleted projects
 - 2.2.3. ongoing activities
 - 2.2.4. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
 - 2.2.5. 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.
- 2.3. We note and agree with the initial list of other NSIP and significant marine projects at 19.3.20 and 19.3.21 to be included in the cumulative assessment. Natural England does not keep a record of the status of similar, relevant projects and recommend that the Applicant liaises with the relevant Local Planning Authorities and the Planning Inspectorate to identify a comprehensive list.

3. Environmental data

- 3.1. 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>.
- 3.2. Detailed information on the natural environment is available at www.magic.gov.uk. This includes Marine Conservation Zone GIS shapefiles.
- 3.3. 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 Geoportal](#).
- 3.4. 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

- 4.1. 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.
- 4.2. 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](#) and an [EclA checklist](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

- 4.3. Many public authorities e.g. National Highways and 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](#).
- 4.4. Remember to refer to the relevant sector specific information within National Policy Statements [here](#) and our own sector specific guidance on the SD Toolkit.

5. Designated nature conservation sites

5.1. International and European sites

5.2. The development site is within or may impact on the following **European/internationally designated nature conservation site(s)**:

- 5.2.1. Teesmouth and Cleveland Coast Special Protection Area**
5.2.2. Teesmouth and Cleveland Coast Ramsar site

5.3. The ES should thoroughly assess the potential for the proposal to affect internationally designated sites of nature conservation importance / European 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.

5.4. 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 sites		
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 SPA and Ramsar (link)	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 Sandwich tern (<i>Thalasseus sandvicensis</i>), Non-breeding Waterbird assemblage, Non-breeding	Loss of supporting habitat: The proposal includes the loss of an undefined area of intertidal mud and sand, which is a supporting habitat for SPA qualifying features. We recommend that this is fully assessed through the EIA and HRA process. In most cases, the loss of functional supporting habitat is viewed by Natural England as an adverse effect on the site's integrity. We are aware of other permissions and consents that include the loss of some or all

Table 1: Potential risk to international designated sites: the development is within or may impact on the following sites

Site name with link to conservation objective	Features which the ES will need to consider	Potential impact pathways where further information/assessment is required
		<p>of the same area of intertidal. However, the assessment should use the current environmental baseline and undertake a comprehensive assessment of the effects that this proposal would have alone, before considering the in-combination effects of the project with others.</p> <p>Water Quality: The construction, operational and demolition phases of the development give rise to potential significant water quality impacts.</p> <p>Construction (and decommissioning) Phase: The construction phase will take place within (i.e. dredging and port construction) and immediately adjacent the SPA/Ramsar (i.e. pipeline installation and Regas plant). Therefore, there is significant potential for construction phase impacts to water quality.</p> <p>Operational Phase: The operational phase has the potential to result in surface water impacts to the adjacent sites through the release of contaminated runoff and increased turbidity.</p> <p>The applicant has stated that there will not be a nitrogen-containing process discharge from the proposal. If this is the case, there will not be a requirement to assess nutrient impacts to water quality.</p> <p>Noise/Vibration: The construction, operational and decommissioning phases of the proposal have the potential for significant impacts.</p> <p>Natural England advises that a 3dB change compared to the background noise levels at a sensitive receptor should be used as a threshold for determining if an activity could result in significant effects.</p> <p>Air Quality: The construction and decommissioning phases of the</p>

Table 1: Potential risk to international designated sites: the development is within or may impact on the following sites		
Site name with link to conservation objective	Features which the ES will need to consider	Potential impact pathways where further information/assessment is required
		development have the potential for temporary air quality to the SPA/Ramsar, which could result in smothering of supporting habitat.

6. Nationally designated sites: Sites of Special Scientific Interest

- 6.1. 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.uk.
- 6.2. 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 Geoportals](#).
- 6.3. The development site is within or may impact on the following **Site of Special Scientific Interest (SSSI): Teesmouth and Cleveland Coast**
- 6.4. The ES 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 sites		
Site name with link to citation	Features which the ES will need to consider	Potential impact pathways where further information/assessment is required
Teesmouth and Cleveland Coast SSSI (Link)	<ul style="list-style-type: none"> breeding avocet Recurvirostra avosetta, little tern Sternula albifrons and common tern Sterna hirundo; a diverse assemblage of breeding birds of sand dunes, saltmarsh and lowland open waters and their margins; non-breeding shelduck Tadorna tadorna, shoveler Spatula clypeata, gadwall Mareca strepera, ringed 	<p>The potential impact pathways set out above are also relevant for assessing the potential impacts to SSSI bird features. The SSSI assessment should consider these impact pathways</p> <p>Loss of supporting habitat (temporary and permanent)</p> <p>Water Quality (construction, operation, and decommissioning)</p> <p>Noise/Vibration (construction and operation)</p> <p>Air Quality (construction and decommissioning)</p>

Table 2: Potential risks to nationally designated sites: the development is within or may impact on the following sites		
Site name with link to citation	Features which the ES will need to consider	Potential impact pathways where further information/assessment is required
	<p>plover <i>Charadrius hiaticula</i>, knot <i>Calidris canutus</i>, ruff <i>Calidris pugnax</i>, sanderling <i>Calidris alba</i>, purple sandpiper <i>Calidris maritima</i>, redshank <i>Tringa totanus</i> and Sandwich tern <i>Thalasseus sandvicensis</i>;</p> <ul style="list-style-type: none"> • an assemblage of more than 20,000 waterbirds during the non-breeding season; 	
	<ul style="list-style-type: none"> • sand dunes; • a diverse assemblage of invertebrates associated with sand dunes. • saltmarshes; 	<p>Air Quality: The proposed development has the potential to result in aerial emissions that could damage the SSSI dune and saltmarsh features, with indirect to the invertebrate assemblage. The assessment should include the full range of pollutants, including: NO_x, NH₃, SO₂, nutrient nitrogen deposition, heavy metals, and other toxic contaminants.</p> <p>We note that the Applicant has scoped out operational air quality impacts because it “is not required during normal operation”. However, this decision and statement are not supported by estimates of how often venting might be needed in a worst case scenario. We recommend that the applicant provides more information to support their decision.</p> <p>We note that the Applicant has scoped in marine traffic for the air quality assessment and agree that this should be scoped in.</p>
	<ul style="list-style-type: none"> • breeding harbour seals <i>Phoca vitulina</i>; 	<p>Noise and vibration: The proposed development is likely to result in significant construction and operational noise/vibration. This could impact on the breeding harbour seal feature of the SSSI.</p>

6.5. In addition to the above advice, we have a number of specific comments about the EIA scoping report:

Table 3: Specific Comments on the EIA Scoping Report		
Section	Detail	Comment / Advice
6.5.6	Vibration baseline	Natural England advise that other vibration sources do exist within the vicinity of the project and must be included as part of the baseline. Vessel traffic, dredging and piling are examples of vibration inducing activities which need to be considered as part of the baseline for the marine environment.
6.5.7	Noise baseline	<p>We note and welcome the commitment to undertake baseline noise measurements, and to agree locations for these with Natural England.</p> <p>Natural England advise that other noise sources exist at significant levels within the vicinity of the project and must be included as part of the baseline. Existing industrial installations, vessel traffic, dredging and piling are examples of noise inducing activities which need to be considered as part of the baseline for the marine and terrestrial environment.</p>
6.7.1	Mitigation and enhancement measures	<p>Natural England welcomes these mitigation measures and would expect them to be included as part of the Environmental Statement and an appropriate assessment.</p> <p>Further, we advise the applicant there may be other methods of environmental enhancement which could be included in the project: Conservation Evidence: Evidence Data</p>
7.4	Teesmouth and Cleveland Coast proposed Ramsar Site	Natural England advises that the Teesmouth and Cleveland Coast Ramsar site was formally extended in 2020 as the applicant notes in footnote 15.
7.5	Teesmouth and Cleveland Coast SSSI	Natural England advise that there is an additional feature of the SSSI which is an 'assemblage of more than 20,000 waterbirds during the non-breeding season'. Impacts on all waterbirds should be assessed as part of the SSSI assessment.
Table 7.15, 9	Management of INNS	Natural England welcomes that INNS will be managed, and we would expect details to be included in the environmental statement and the environmental assessments.
Table 7.15, 10	Habitat reinstatement	Natural England advises that any permanent or temporary loss of habitat would be of concern. In the first instance, the

		applicant should assess if habitats can be reinstated. If this is not possible, the loss of habitat should be thoroughly assessed through the HRA or SSSI assessment to understand its impacts on the designated sites.
Table 7.16	Teesmouth and Cleveland Coast SSSI and Teesmouth NNR	Natural England advises that airborne noise must be assessed for impacts to harbour seals in the Teesmouth and Cleveland Coast SSSI and Teesmouth NNR.
Table 7.19	Field survey programme (Non-breeding Season surveys)	<p>Natural England advises that the phrase 'targeted areas of waterbird habitat' should be defined. Most of the undeveloped area outside of the SPA/SSSI/Ramsar could potentially provide waterbird habitat. This includes much of the area within the redline boundary. For example, curlew extensively use inland wet grassland. In addition, surveys should include survey of areas outside of the redline boundary both within and outside the SPA/SSSI/Ramsar. For example, important areas like the Dabholm Gut and Bran Sands Lagoon are approx. 500m across the river.</p> <p>In addition, Natural England would like to highlight the importance of surveying all waterbirds to fully capture the impacts on the waterbird assemblage.</p>
Table 7.19	Field survey programme (Breeding Season surveys)	It is proposed that there will be a switch to a single monthly bird count during the April-August period, which may not fully cover the tidal cycle. Natural England advises that surveys should take full coverage of low and high tides, as late summer is important for some waterbirds (e.g. redshank and lapwing).

6.6 See section 11 for general advice on air quality impacts and section 12 for general advice about water quality impact.

7. Protected species

7.1. Natural England notes that the Applicant has stated that no other protected species licences are required based on current survey results. We do not hold records of protected species and, therefore, are not in a position to confirm or dispute this conclusion. However, we have the following general advice regarding protected species:

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

7.3. Applicants should check to see if a mitigation licence is required using

Natural England guidance on licensing [Natural England wildlife licences](#). Applicants can also make use of Natural England's charged service [Pre Submission Screening Service](#) for a review of a draft wildlife licence application. Natural England then reviews a full draft licence application to issue a Letter of No Impediment (LONI) which explains that based on the information reviewed to date, that it sees no impediment to a licence being granted in the future should the DCO be issued. This is done to give the Planning Inspectorate confidence to make a recommendation to the relevant Secretary of State in granting a DCO. See [Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate | National Infrastructure Planning](#) for details of the LONI process.

- 7.4. 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.
- 7.5. 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.
- 7.6. 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.

8. District Level Licensing for great crested newts

- 8.1. Natural England are aware that the Applicant has states an intention to apply to use the District Level Licensing (DLL) scheme for great crested newts (GCN), if GCN may be impacted.
- 8.2. Where strategic approaches such as DLL for GCN are used, a Letter of No Impediment (LONI) will not be required. Instead, the developer will need to provide evidence to the Examining Authority (ExA) on how and where this approach has been used in relation to the proposal, which must include a counter-signed Impact Assessment and Conservation Payment Certificate (IACPC) from Natural England, or a similar approval from an alternative DLL provider.
- 8.3. The DLL approach is underpinned by a strategic area assessment which includes the identification of risk zones, strategic opportunity area maps and a mechanism to ensure adequate compensation is provided regardless of the level of impact. In addition, Natural England (or an alternative DLL provider) will undertake an impact assessment, the outcome of which will be documented in the IACPC (or equivalent).
- 8.4. If no GCN surveys have been undertaken, Natural England's risk zone

modelling may be relied upon. During the impact assessment, Natural England will inform the applicant whether their scheme is within one of the amber risk zones and therefore whether the Proposed Development is likely to have a significant effect on GCN.

- 8.5. The IACPC will also provide additional detail including information on the Proposed Development's impact on GCN and the appropriate compensation required.
- 8.6. By demonstrating that the [DLL scheme for GCN](#) will be used, consideration of GCN in the ES can be restricted to cross-referring to the Natural England (or alternative provider) IACPC as a justification as to why significant effects on GCN populations as a result of the Proposed Development would be avoided.

9. Priority Habitats and Species

- 9.1. 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.
- 9.2. 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](#).
- 9.3. 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.
- 9.4. The ES should include details of:
 - 9.4.1. Any historical data for the site affected by the proposal (e.g. from previous surveys)
 - 9.4.2. Additional surveys carried out as part of this proposal
 - 9.4.3. The habitats and species present
 - 9.4.4. The status of these habitats and species (e.g. whether priority species or habitat)
 - 9.4.5. The direct and indirect effects of the development upon those habitats and species
 - 9.4.6. Full details of any mitigation or compensation measures
 - 9.4.7. Opportunities for biodiversity net gain or other environmental enhancement

10. Biodiversity net gain

- 10.1. The Environment Act 2021 includes NSIPs in the requirement for Biodiversity Net Gain (BNG), with the biodiversity gain objective for NSIPs

defined as at least a 10% increase in the pre-development biodiversity value of the on-site habitat. It is the intention that BNG should apply to all terrestrial NSIPs accepted for examination from November 2025. This includes the intertidal zone but excludes the subtidal zone (an approach to marine net gain is being developed but this will not form part of mandatory BNG). Projects that span both offshore and onshore will be subject to BNG requirements for the onshore components only. Some organisations have made public BNG commitments, and some projects are already delivering BNG on a voluntary basis.

10.2. Based on the timeline the Applicant has set out for this project, it is likely to be accepted for examination before November 2025. Nevertheless, we encourage the applicant to consider how the project could deliver net gains for biodiversity and we would welcome working with the applicant to discuss opportunities for this within and adjacent to the nearby designated sites.

11. Air quality

11.1. 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 $1\mu\text{g}^2$). 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.

11.2. 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).

11.3. 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](#)

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

- 11.4. Information on air pollution modelling, screening and assessment can be found on the following websites:
- 11.4.1. SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
 - 11.4.2. Ammonia assessment for agricultural development <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
 - 11.4.3. Environment Agency Screening Tool for industrial emissions <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
 - 11.4.4. Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

12. Water quality

- 12.1. NSIPs can occur in areas where strategic solutions are being determined for water pollution issues and they may not have been factored into the local planning system as they are delivered through National Policy Statements.
- 12.2. The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels.

From: [Adrian Miller](#)
To: [Teesside Flexible Regas Port](#)
Subject: EN040001-000020 TEESSIDE FLEXIBLE REGAS PORT
Date: 04 April 2024 11:05:47
Attachments: [image001.png](#)

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 Teesside Flexible Regas Port Limited (the Applicant) for an Order granting Development Consent for the Teesside Flexible Regas Port 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 communication dated 13 March 2024 in respect of the above. I can confirm that having viewed the relevant documents, Redcar and Cleveland Council have no comments to make in respect of the request for a Scoping Opinion.

Kind regards
Adrian Miller

Adrian C Miller BA(Hons) Dip TP MRTPI

Head of Planning and Development
Redcar and Cleveland Borough Council
Redcar and Cleveland House
Kirkleatham Street
Redcar TS10 1RT

Tel: [REDACTED]
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Email: [REDACTED]
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Redcar & Cleveland Borough Council, Redcar & Cleveland House, Kirkleatham Street, Redcar, TS10 1RT, Tel: [REDACTED] Website: www.redcar-cleveland.gov.uk



Proposed DCO Application by National Grid Interconnector Holdings Limited for Teesside Flexible Regas Port Ltd

Royal Mail response to EIA 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 and its advisor BNP Paribas Real Estate have reviewed the EIA Scoping Report dated March 2024. There are seven operational Royal Mail properties within 10km of the proposed works.

The construction of this infrastructure proposal has been identified as having potential to impact on Royal Mail operational interests, particularly if combined with cumulative impacts from other schemes including H2 Teesside. 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], Senior Planning Lawyer, Royal Mail Group Limited

Grace Russell [REDACTED] BNP Paribas Real Estate/Strutt & Parker

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

End

From: [Stephen Vanstone](#)
To: [Teesside Flexible Regas Port](#)
Cc: [Trevor Harris](#)
Subject: RE: EN040001 - Teesside Flexible Regas Port Project - EIA Scoping Notification and Consultation
Date: 03 April 2024 10:54:08
Attachments: [image001.jpg](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image010.jpg](#)
[image012.png](#)
[image014.png](#)
[TFRP - Statutory Consultation Letter.pdf](#)

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Good morning Laura,

I note that part of the proposed development area lies within the River Tees and in the jurisdiction of PD Teesport Ltd.. Therefore, Trinity House advise that any marine works proposed below mean high water springs should be fully assessed in consultation with PD Teesport Ltd. The Navigation Risk Assessment will require significant input from PD Teesport Ltd, including agreement of proposed risk mitigation measures and the requirement for aids to navigation.

Kind regards,

Stephen Vanstone

Navigation Services Manager | Navigation Directorate | Trinity House

[REDACTED] | [REDACTED] & [REDACTED]

www.trinityhouse.co.uk



From: Teesside Flexible Regas Port <teessideregasport@planninginspectorate.gov.uk>
Sent: Wednesday, March 13, 2024 10:56 AM
To: Navigation <navigation.directorate@trinityhouse.co.uk>
Cc: Thomas Arculus [REDACTED]
Subject: EN040001 - Teesside Flexible Regas Port Project - EIA Scoping Notification and Consultation

Dear Sir/ Madam

Please see attached correspondence on the proposed Teesside Flexible Regas Port Project.

Please note the deadline for consultation responses is **10 April 2024**, which is a statutory requirement that cannot be extended.

Kind regards

Laura



Laura Feekins-Bate
Senior EIA Advisor
The Planning Inspectorate
T [REDACTED]

 [@PINSgov](#)  [The Planning Inspectorate](#)  planninginspectorate.gov.uk

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DPC:76616c646f72





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: EN040001-000020
Our Ref: 65543

Ms Laura Feekins-Bate
Senior EIA Advisor,
The Planning Inspectorate
Environmental Services, Operations Group 3
Temple Quay House
2 The Square
Bristol BS1 6PN

9th April 2024

Dear Ms Feekins-Bate

**Nationally Significant Infrastructure Project
Teesside Flexible Regas Port Project (EN040001-000020)
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.

Waste

The applicant states in Chapter 12 (e.g., point 12.9.1) that the excavated materials during construction will be re-used as backfill if possible. The applicant notes that there will be a Materials Management Plan (MMP) prepared in line with the guidance provided within CL:AIRE guidance: The Definition of Waste: Development Industry Code of Practice (DoWCoP) implemented for the scheme. However, there is no consideration of how waste will be stored/managed prior to re-use or disposal, nor the potential impacts on sensitive receptors (e.g. dust and odour emissions).

Recommendation

It is recommended that the applicant considers in the ES how and where waste (including hazardous/contaminated) will be stored on site prior to re-use or disposal to minimise the

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>

potential impacts on off-site receptors. Subsequently, it is recommended that “disposal and recovery of waste associated with the construction of the Proposed Scheme” is scoped in for further assessment.

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.

Effects on mental health - (Risk perception / understanding of risk).

The scoping report makes reference the operation of the site will be covered under the Major Accident Prevention Policy (MAPP) and Safety Management System (SMS) commensurate with the requirement of the Control of Major Accident Hazards Regulations 2015 (COMAH). It is also noted that the nearest local population is approximately 3Km from the scheme.

There is, however, the potential for local public concern through understanding of risk / risk perception from major incidents.

The report does not indicate how any community anxiety or concern from the sites operation will be identified and addressed. It is assumed that the engagement team will communicate safety information within the various public consultation opportunities. It is important that communication programmes in relation to the scheme should provide a source of clear and objective information to increase knowledge and awareness.

It is important to understand levels of community anxiety in order to influence the approach to these public consultations and the need to change or improve the information or approach.

Community anxiety will form an important aspect of public mental health. The broad definition of health proposed by the World Health Organisation (WHO), includes reference to mental health. Mental well-being is fundamental to achieving a healthy, resilient and thriving population. It underpins healthy lifestyles, physical health, educational attainment, employment and productivity, relationships, community safety and cohesion and quality of life.

Recommendation

The ES should consider potential effects on mental health through risk perception / understanding of risk posed by the operation of the site.

When estimating community anxiety and stress a qualitative assessment may be most appropriate. Robust and meaningful consultation with the local community will be an important mitigation measure, in addition to informing the assessment and subsequent mitigation measures. This may involve conducting resident surveys but also information received through public consultations, including community engagement exercises. The Mental Well-being Impact Assessment Toolkit (MWIA) contains key principles that should be demonstrated in a project's community engagement and impact assessment. We would also encourage consultation with the local authority's public health team who are likely to have Health Intelligence specialists who will have knowledge about the availability of local data.

Yours sincerely

On behalf of UK Health Security Agency

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