

# SCOPING OPINION

## Proposed Hydrodec Oil Re-Refinery



August 2015



## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b> .....	<b>3</b>
<b>1. INTRODUCTION</b> .....	<b>1</b>
BACKGROUND.....	1
THE SECRETARY OF STATE'S CONSULTATION .....	2
STRUCTURE OF THE DOCUMENT.....	3
<b>2. THE PROPOSED DEVELOPMENT</b> .....	<b>4</b>
INTRODUCTION.....	4
THE APPLICANT'S INFORMATION.....	4
THE SECRETARY OF STATE'S COMMENTS .....	10
<b>3. EIA APPROACH AND TOPIC AREAS</b> .....	<b>17</b>
INTRODUCTION.....	17
EU DIRECTIVE 2014/52/EU.....	17
NATIONAL POLICY STATEMENTS (NPS) .....	17
ENVIRONMENTAL STATEMENT APPROACH .....	17
ENVIRONMENTAL STATEMENT STRUCTURE.....	20
MATTERS TO BE SCOPED OUT.....	20
TOPIC AREAS .....	21
<b>4. OTHER INFORMATION</b> .....	<b>31</b>
<b>APPENDIX 1 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT</b>	
<b>APPENDIX 2 – LIST OF BODIES FORMALLY CONSULTED</b>	
<b>APPENDIX 3 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES</b>	



## EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for Hydrodec Oil Re-Refinery, Eastham, Wirral.

This report sets out the Secretary of State's Opinion on the basis of the information provided in Hydrodec Re-Reining (UK) Limited's ('the applicant') report entitled 'Proposals for the approach to and scope of an Environmental Impact Assessment to accompany an application for a Development Consent Order under the Planning Act 2008 (as amended) for the proposed waste oil re-refinery at Eastham, Port Wirral, Merseyside – Scoping Report' (June 2015) ('the Scoping Report'). The Opinion can only reflect the proposals as currently described by the applicant.

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

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

- (i) traffic and transport;
- (ii) landscape and visual impacts;
- (iii) noise and vibration; and
- (iv) air quality.

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

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



# 1. INTRODUCTION

## Background

- 1.1 On 30 June 2015, the Secretary of State received the Scoping Report submitted by Hydrodec Re-Reining (UK) Limited under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a scoping opinion for the proposed Hydrodec Oil Re-Refinery ('the proposed development'). This Opinion is made in response to this request and should be read in conjunction with the applicant's Scoping Report.
- 1.2 The applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the proposed development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the proposed development is determined to be EIA development.
- 1.3 The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the Secretary of State to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the environmental statement (ES).
- 1.4 Before adopting a scoping opinion the Secretary of State must take into account:
- (a) the specific characteristics of the particular development;*
  - (b) the specific characteristics of the development of the type concerned; and*
  - (c) environmental features likely to be affected by the development'.*
- (EIA Regulation 8 (9))*
- 1.5 This Opinion sets out what information the Secretary of State considers should be included in the ES for the proposed development. The Opinion has taken account of:
- The EIA Regulations;
  - The nature and scale of the proposed development;
  - The nature of the receiving environment; and
  - Current best practice in the preparation of an ES.
- 1.6 The Secretary of State has also taken account of the responses received from the statutory consultees (see Appendix 3 of this Opinion). The matters addressed by the applicant have been carefully considered and use has been made of professional judgement and

experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Secretary of State will take account of relevant legislation and guidelines (as appropriate). The Secretary of State will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).

1.7 This Opinion should not be construed as implying that the Secretary of State agrees with the information or comments provided by the applicant in their request for an opinion from the Secretary of State. In particular, comments from the Secretary of State in this Opinion are without prejudice to any decision taken by the Secretary of State (on submission of the application) that any development identified by the applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.

1.8 Regulation 8(3) of the EIA Regulations states that a request for a scoping opinion must include:

- (a) a plan sufficient to identify the land;*
- (b) a brief description of the nature and purpose of the development and of its possible effects on the environment;*  
*and*
- (c) such other information or representations as the person making the request may wish to provide or make.*

*(EIA Regulation 8 (3))*

1.9 The Secretary of State considers that this has been provided in the applicant's Scoping Report.

## **The Secretary of State's Consultation**

1.10 The Secretary of State has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 2. A list has also been compiled by the Secretary of State under their duty to notify the consultation bodies in accordance with Regulation 9(1)(a). The applicant should note that whilst the Secretary of State's list can inform their consultation, it should not be relied upon for that purpose.

1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 3 along with copies of their comments, to which the applicant should refer in undertaking the EIA.



- 1.12 The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the applicant and will be made available on the Planning Inspectorate's website. The applicant should also give due consideration to those comments in carrying out the EIA.

### **Structure of the Document**

- 1.14 This Opinion is structured as follows:

**Section 1** – Introduction

**Section 2** – The proposed development

**Section 3** – EIA approach and topic areas

**Section 4** – Other information

- 1.15 This Opinion is accompanied by the following Appendices:

**Appendix 1** – Presentation of the environmental statement

**Appendix 2** – List of bodies formally consulted

**Appendix 3** – Respondents to consultation and copies of replies

## 2. THE PROPOSED DEVELOPMENT

### Introduction

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

### The Applicant's Information

#### Overview of the proposed development

- 2.2 The proposed development comprises an oil re-refinery facility located to the east of Eastham, Wirral, approximately 4.8km north-west of Ellesmere Port on the southern bank of the Mersey Estuary, as shown in Figure 1 of the Scoping Report.
- 2.3 The proposed facility would 're-refine' waste oils by removing impurities from used oil and regenerate it back to 'base oil' which can then be used as if it were a newly refined product. The re-refining process would break used oil into three main products:
- c.60% - 80% base oil (the main ingredient of lubricant blends for industrial and automotive oils);
  - c.15% asphalt product (largely impurities removed from the waste oil being processed); and
  - c.10% fuel.
- 2.4 The Scoping Report also identifies additional routes along which services links may be upgraded in order to connect the site to appropriate services and utilities infrastructure including electricity, gas, water supply and foul sewerage.

#### Description of the site and surrounding area

##### *The Application Site*

- 2.5 The application site comprises:
- (i) the main development area upon which the re-refinery plant would be located; and
  - (ii) the possible utilities routes.
- 2.6 The main development area is a 7.4ha greenfield site shown on Figure 2 of the Scoping Report. It is generally flat and comprises rough grazing grassland with a grass football pitch in the east

including fencing, goal posts, a small timber shelter and hardstanding for parking. The additional areas of land required for the utilities connections comprise an area of 9.16ha and are also shown on Figure 2 of the Scoping Report.

- 2.7 The geological strata of the main development area comprises Made Ground above Devensian Till (sandy, gravelly, cobbly Clay) across approximately half of the site, and Alluvium (silty, sandy Clay) across the other half, although a small proportion of the site may have no superficial deposits. The bedrock across the entire site is the Scythian age Wilmslow Sandstone Formation, which is likely to be highly permeable.
- 2.8 The main development area is located within Flood Risk Zone 1.
- 2.9 The possible utilities routes along which it may be necessary to upgrade services links are shown on Figure 2 of the Scoping Report. These are located along existing roads and along an existing pipeline corridor.

#### *The Surrounding Area*

- 2.10 The main development lies within a predominantly industrial area. The proposal site is bounded to the south by Power House Road. The NuStar Eastham Terminal is located immediately to the south of Power House Road and Eastham Oil Refinery is located adjacent to the NuStar Terminal, approximately 350m to the south and south west of the main development area.
- 2.11 The QEII Docks and dockside areas are located immediately adjacent to the northern boundary of the main development area.
- 2.12 A vacant site previously associated with dock activities is located adjacent to the eastern boundary of the main development area, beyond which lies the Manchester Ship Canal and beyond this lies the Mersey Estuary which is designated as a Site of Special Scientific Interest (SSSI), Ramsar site and Special Protection Area (SPA). Figure 3 of the Scoping Report illustrates the location of the proposed development in the context of the relevant designated areas.
- 2.13 The land to the west of the main development area beyond the industrial areas is Green Belt, with the closest point to the site boundary approximately 60m to the west of the main development area. The approximate extent of the Green Belt is shown on Figure 3 of the Scoping Report.
- 2.14 The settlement of Eastham is located to the west of the main development area as shown of Figure 2 of the Scoping Report. The closest residential properties to the proposed application site are located on Seaview Avenue, Ferry Road and Bankfields Drive. The

boundary of the closest property on Seaview Avenue is approximately 140m from the western boundary of the main development area.

- 2.15 Eastham Village Conservation Area is located approximately 440m to the west of the main development area boundary as shown on Figure 3 of the Scoping Report.
- 2.16 Eastham Lodge Golf Club is located to the west and north west of Ferry Road with Leverhulme Sports Fields beyond. Eastham Country Park is located beyond the QEII Docks approximately 620m to the north west of the main development area at the closest point. The Country Park is a Site of Biological Importance.
- 2.17 The Dee Estuary is located approximately 9km to the south west of the main development area and is designated a Ramsar site, SPA, Special Area of Conservation (SAC) and SSSI.
- 2.18 A Local Wildlife Site (unnamed) is identified north west of the main development area on Figure 3 of the Scoping Report. Dibbinsdale SSSI is located approximately 2.7km to the north-west of the main development area.
- 2.19 A corridor of raised pipelines is located adjacent to the western boundary of the main development area beyond which a soil mound planted with trees is located. The pipeline corridor forms part of the potential utilities route. The Scoping Report does not describe the source, destination or nature of products being distributed in these pipelines.
- 2.20 There are a number of industrial facilities close to the proposed development, including:
- A chemical complex at Bromborough - approximately 2km to the north of the main development area;
  - A Vauxhall car production site - approximately 1.6km to the south east of the main development area;
  - A large oil refinery complex at Stanlow, Ellesmere Port - approximately 7km to the south east of the main development area; and
  - A consented but not yet built energy from waste gasification facility (Biossence) - approximately 375m to the south of the main development area.
- 2.21 Liverpool John Lennon Airport is located on the northern bank of the Mersey Estuary approximately 5.4km to the east of the main development area.

## **Alternatives**

- 2.22 The Scoping Report does not identify any alternatives that have been considered by the applicant. However, paragraph 4.5 of the Scoping Report confirms that the ES will give consideration to the alternatives considered to the current proposals, primarily in terms of design, layout and site selection.

## **Description of the Proposed Development**

- 2.23 An indicative site layout for the main development area is shown on Figures 4 and 5 of the Scoping Report. Dimensions of the main project elements are provided within the key to Figure 5 of the Scoping Report.
- 2.24 The proposed development would be built in two phases (as shown on Figure 4 of the Scoping Report) commencing in the south-east:
- (i) Phase 1 would be constructed in the southern half of the site over a period of approximately 18 months and is anticipated to be ready for operation in 2017.
  - (ii) Phase 2 would be constructed in the northern half of the site over a period of approximately 18 months and is anticipated to commence in 2018 with the plant ready for operation in 2020.

### *Phase 1*

- 2.25 Phase 1 is described in paragraphs 3.8 to 3.11 of the Scoping Report and in brief would comprise:
- An initial base oil re-refining plant with an emergency flare stack;
  - A main tank farm island for the storage of materials;
  - A hydrogen generation plant;
  - A materials acceptance plant and equipment;
  - Tanks for the storage of waste water, asphalt, fuel and base oil;
  - A road tanker vehicle loading and offloading bay comprising 10 spaces for tankers and parking facilities and a fire water storage tank;
  - 2 no. two-storey buildings including a laboratory, offices and maintenance and warehouse areas;
  - A single storey gate house and an electricity sub-station; and
  - Emergency access.
- 2.26 Atmospheric emission abatement equipment would include boiler and thermal heater flues, condensers, scrubbers and vapour balance lines, fractionating columns, wiped film evaporator and thermal oxidiser.

*Phase 2*

- 2.27 Phase 2 is described in paragraphs 3.12 to 3.13 of the Scoping Report and in brief would comprise:
- A second base oil plant with an emergency flare stack
  - Storage tanks and plant
  - A transformer oil plant with its own tank farm
  - A two storey office block with further warehousing, a two storey research and development building and additional car parking.
- 2.28 Paragraph 3.14 of the Scoping Report states that a number of piping corridors and pipe bridges would be located within the main development area. It does not specify in which phase they would be constructed or their locations, with the exception of a pipe bridge to be constructed across Power House Road to the adjoining NuStar terminal which is identified on Figures 4 and 5 as being within Phase 1.
- 2.29 Figures 4 and 5 of the Scoping Report identify a service plant (number 6) comprising cooling water towers, steam boilers, hot oil plant, thermal oxidizer, product storage tanks, waste water tanks, water treatment plant, softened water plant. This would be constructed partly in Phase 1 and partly in Phase 2.
- 2.30 The surface of the operational site area would be formed of concrete and surface water runoff would be captured and managed through a surface water management system designed to retain firefighting water. The Scoping Report does not identify which Phase this would be constructed in.
- 2.31 The main development area would be surrounded by high steel palisade security fencing approximately 8m high. The Scoping Report does not identify which Phase this would be constructed in.
- 2.32 Tree and shrub planting would be carried out along the western boundary of the main development area and at the north western site corner at the earliest possible stage. Native hedgerow planting would be carried out along the northern and eastern boundaries. The Scoping Report text does not specify the Phase, although is shown to be included in Phase 1 on Figure 4.
- 2.33 An open area of grassland would be retained in the north eastern part of the main development area. Again, the Scoping Report text does not specify the Phase but it is shown to be included in Phase 2 on Figure 4.

### **Proposed Access**

- 2.34 The proposed route for heavy goods vehicles (HGVs) travelling to and from the site is shown on Figure 1 of the Scoping Report. The site would be accessed from Power House Road, a private road along the southern site boundary, along Bankfields Drive, North Road, West Road and Junction 6 of the M53.

### **Construction**

- 2.35 Phase 1 of the site would be constructed over a period of approximately 18 months and is anticipated to be ready for operation in 2017. Phase 2 would also be constructed over a period of approximately 18 months and is anticipated to commence in 2018. The plant would be ready for operation in 2020.
- 2.36 At the commencement of construction at the site, the soil would be stripped and retained in a bund between approximately 1.5m and 3m high and a minimum of 8m wide located along the western site boundary and in the north western corner.

### **Operation and Maintenance**

- 2.37 The proposed development would operate for 24 hours per day for approximately 325 days per year, allowing for periods of routine maintenance. It would be manned 24 hours per day; however the number or types of jobs generated has not been specified within the Scoping Report.
- 2.38 The used oil to be re-refined would be delivered to the plant via road and pipeline. It is anticipated that a significant proportion of the feedstock to the plant would be delivered to the site from the adjacent NuStar storage facility via a new pipe bridge that would be constructed over Power House Road.
- 2.39 It is estimated that during operation there would be a maximum of 40 HGVs coming to the site each day. All HGVs would approach and leave the site from Power House Road and Bankfields Drive to Junction 6 of the M53 thereby avoiding residential parts of Eastham as described above.

### **Decommissioning**

- 2.40 The Scoping Report states the decommissioning of the facility is not anticipated within at least the next 50 years. Any impacts associated with decommissioning are not proposed to be considered as part of the EIA for the proposed development, but would be the subject of an EIA at the appropriate time if and when consent is sought for decommissioning.

## **The Secretary of State's Comments**

### **Description of the application site and surrounding area**

- 2.41 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the Secretary of State would expect the ES to include a section that summarises the site and surroundings, building on that provided at section 2 of the Scoping Report. This would identify the context of the proposed development, any relevant designations and sensitive receptors. This section should identify land that could be directly or indirectly affected by the proposed development and any associated auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes.
- 2.42 The Secretary of State is unclear why the key to Figure 3 of the Scoping Report notates the Key/Notes using the term 'approximate' location. Every effort should be made to ensure that the ES depicts the environmental baseline as accurately as possible.
- 2.43 The applicant will need to be expressly clear about the exact site development area (including extent of service locations) that is the subject of the EIA technical assessments and to which the DCO relates. Where options exist in respect of site parameters a justified worst case approach to the assessment(s) should be set out in the description of the site.

### **Description of the proposed development**

- 2.44 The applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. It is understood that at this stage in the evolution of the scheme the description of the proposals and even the location of the site may not be confirmed. The applicant should be aware however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.45 Given the number of different elements within the proposed development, it would be useful if the numbering of the project elements within the figures was also used within the text describing the project. This would aid in the understanding of the project for the reader and enable quick cross-referencing. The ES should also use consistent terminology between the text and the figures; for example paragraph 3.11 of the Scoping Report refers to a sub-station at what the Secretary of State assumes to be number 10 on Figures 4 and 5; however these figures do not use the terminology 'sub-station' and instead refer to a 'transformer building'. It is unclear whether or not this is the same structure.



- 2.46 The text of the ES should clearly differentiate between the project elements that would be constructed in Phase 1 and Phase 2. In the Scoping Report, paragraphs 3.14-3.18 follow on from a description of Phase 2 elements, however these paragraphs identify a number of project elements which would appear to be necessary for the operation of either phase (and includes the pipe bridge to NuStar bridge which is shown on Figure 4 to be Phase 1); therefore it is unclear whether or not these are specific to Phase 2. Figure 4 also depicts the 'base oil plant 2' being located in the Phase 1 development area, whereas paragraph 3.12 describes the second base oil plant being part of development Phase 2. The applicant should ensure that the ES figures and text are consistent with one another.
- 2.47 The ES should specify how many units there would be within the base oil plants (numbers 4 and 12).
- 2.48 Figures 4 and 5 of the Scoping Report identify a dewatering tank farm (number 1) and service plant (number 6) which are not described within the text. The ES text should provide detail on this element.
- 2.49 Paragraph 3.12 of the Scoping Report states that the second base oil plant would have associated plant similar to that described for the first base oil plant. It is unclear what the 'associated plant' would comprise, when drafting the ES this should be clearly set out and a description provided of all elements of the proposed development.
- 2.50 Paragraph 3.12 of the Scoping Report also states that a transformer plant to be constructed in Phase 2 'carries out similar processes to the base oil plant' to be constructed in Phase 1. It would be useful for the ES to explain the differences between the processes of the two plants in order for the reader to understand why both project elements are required.
- 2.51 The Scoping Report identifies a tank farm island for the storage of materials (paragraph 3.8) and tanks for the storage of waste water, asphalt, fuel and base oil (paragraph 3.10). It is unclear what the differences between the tank areas are and the ES should clarify what 'materials' the tank farm island would be storing.
- 2.52 Paragraph 3.10 of the Scoping Report states that '*Tanks up to 12m high and 8m in diameter for the storage of waste water, asphalt, fuel and base oil will be located to the immediate west of the base oil plant tank farm*'. However, the tank farm (number 2 on Figures 4 and 5) is located to the east of the base oil tank farm identified on figures 4 and 5 (number 3). The Secretary of State reiterates the need for the project description within the text and the figures to be consistent.
- 2.53 Paragraph 11.13 of the ES states that the air quality assessment will confirm the appropriate stack heights. It is unclear whether this is

referring to the emergency flare stacks, or whether additional stacks would be required. This should be clarified within the ES, with the location and heights of all stacks clearly identified.

- 2.54 The ES should contain details of the surface water management system identified in paragraph 3.17 of the Scoping Report. The location(s) of any storage tank(s) required should be identified.
- 2.55 To aid in the project understanding, the location of the following elements which have been described within the Scoping Report should be clearly marked on indicative site layout plans:
- Emergency flare stacks at both base oil plants;
  - Fire water storage tank;
  - Pipeline corridors and pipe bridges; and
  - Site access points.
- 2.56 The ES should also provide an overview of the production process during the operational phase, including details of inputs and outputs of material types and quantities.
- 2.57 The Scoping Report identifies possible routes for upgrading service links. The Secretary of State acknowledges that details are not yet confirmed at this stage, however the ES extent of these connections should be accurately depicted on figures within the ES and the ES should clearly explain what works would be required for these service upgrades.
- 2.58 The applicant should clearly define what elements of the proposed development are integral to the NSIP and which is 'associated development' under the Planning Act 2008 (PA 2008) or is an ancillary matter. Associated development is defined in the Planning Act as development which is associated with the principal development. Guidance on associated development can be found in the DCLG publication 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects'.
- 2.59 Any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be assessed as part of an integrated approach to environmental assessment.
- 2.60 The Secretary of State recommends that the ES should also include a clear description of all aspects of the proposed development, at the construction, operation and decommissioning stages, and include:
- Site preparation;
  - Construction processes and methods;

- Maintenance activities including any potential environmental or navigation impacts; and
- Emissions - water, air and soil pollution, noise, vibration, light, heat, radiation.

2.61 The environmental effects of all wastes to be processed and removed from the site should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified. Attention is drawn to the comments of Wirral Borough Council (see Appendix 3) regarding waste.

### **Flexibility**

2.62 The Secretary of State notes the comments in paragraphs 1.6 and 4.3 of the Scoping Report that the detailed design of the proposed development is still being developed and will continue throughout the consultation period. The Secretary of State welcomes this iterative process and that the proposals are to be firmed up during the pre-application stages and encourages the description to be as accurate and firm as possible so that its environmental impact can be more accurately assessed.

2.63 The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. At the time of application, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes. The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES. It is a matter for the applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

2.64 The Secretary of State notes the intention where the details of the scheme cannot be defined precisely for the EIA to assess the likely worst case scenario. The applicant's attention is drawn to Advice Note 9 'Using the 'Rochdale Envelope' which is available on the National Infrastructure Planning website and to the 'Flexibility' section in Appendix 1 of this Opinion which provides additional details on the recommended approach.

2.65 It should be noted that if the proposed development changes substantially during the EIA process, prior to application submission, the applicant may wish to consider the need to request a new scoping opinion.

### **Proposed access**

- 2.66 The Secretary of State welcomes that a route for HGVs has been proposed that seeks to minimise disruption to residents of Eastham. The applicant should consider how this route would be secured within the DCO.
- 2.67 The ES should also give consideration to access routes for other vehicles, for example light goods vehicles and employees for both the construction and operational phase.
- 2.68 The Scoping Report makes reference to the NuStar facility receiving waste oil by sea. The ES should confirm whether any materials would be brought to site by sea during the operational phase of the proposed development, and assess the potential effects of doing so, where necessary.

### **Alternatives**

- 2.69 The EIA Regulations require that the applicant provide 'An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects' (See Appendix 1).
- 2.70 The Secretary of State welcomes the applicant's proposal to include consideration of alternatives within the ES. Regard should be given to alternative site locations, layouts and designs when addressing alternatives in the ES.

### **Construction**

- 2.71 The Scoping Report states that Phase 1 would be constructed over a period of approximately 18 months and is anticipated this Phase would be ready for operation in 2017. However, given the timescales of obtaining a DCO these timescales appear optimistic. The ES should provide a realistic construction timetable and take into consideration what the environmental baseline would be at the time of construction and operation.
- 2.72 The Secretary of State notes that very limited information has been provided in the Scoping Report regarding the likely characteristics of the construction phase. This information should be provided within the ES and should include:
- Construction methods, durations and activities/machinery associated with each phase;
  - Working hours;
  - Siting of construction compounds (including on and off site);
  - Lighting equipment/requirements;
  - Number of construction staff; and

- Number, movements and parking of construction vehicles (both HGVs and staff).
- 2.73 The ES should identify the locations of the soil bunds identified in paragraph 3.18 of the Scoping Report that would be created at the commencement of construction.
- 2.74 It is unclear what is meant by the statement in paragraph 3.18 of the Scoping Report that '*Materials at the site would be used to create a level construction formation level*'. The ES should provide further details as to what materials this is referring to and should also identify whether there are any requirements for raising or lowering of existing ground levels.

### **Operation and maintenance**

- 2.75 Information on the operation and maintenance of the proposed development should be included in the ES and should cover but not be limited to such matters as:
- The number of full/part-time jobs;
  - The operational hours and if appropriate, shift patterns;
  - The number and types of vehicle movements generated during the operational stage (not just limited to HGV movements); and
  - The expected frequency, nature and duration of any planned (or unplanned) maintenance activities
- 2.76 Operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings (i.e. waste water, asphalt and fuel) and their re-use and / or disposal should be addressed within the ES. This should also be reflected in the EIA topics adopting a 'worst case' approach in terms of their end use where necessary.
- 2.77 The ES should address operation and maintenance for both the main development area and the service links, should they be included within the DCO.

### **Decommissioning**

- 2.78 In terms of decommissioning, the Secretary of State acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption. The process and methods of decommissioning should be considered and options presented in the ES. The Secretary of State encourages consideration of such matters in the ES.

- 2.79 The Scoping Report (paragraph 3.21) indicates that the design life of the proposed development is at least 50 years. The Secretary of State recommends that the EIA covers the life span of the proposed development, including construction, operation and decommissioning.

### **3. EIA APPROACH AND TOPIC AREAS**

#### **Introduction**

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

#### **EU Directive 2014/52/EU**

- 3.2 The Secretary of State draws the applicant's attention to EU Directive 2014/52/EU (amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment) which was made in April 2014.
- 3.3 Under the terms of the 2014/52/EU Directive, Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with directive by 16 May 2017.
- 3.4 Whilst transitional provisions will apply to such new regulations, the applicant is advised to consider the effect of the implementation of the revised Directive in terms of the production and content of the ES.

#### **National Policy Statements (NPS)**

- 3.5 Sector specific NPSs are produced by the relevant Government Departments and set out national policy for nationally significant infrastructure projects (NSIPs). They provide the framework within which the Examining Authority will make their recommendations to the Secretary of State and include the Government's objectives for the development of NSIPs.
- 3.6 The Hazardous Waste NPS for the proposed development sets out assessment principles that should be considered in the EIA for the proposed development. When undertaking the EIA, the applicant must have regard to the NPS and identify how principles these have been assessed in the ES.
- 3.7 The Secretary of State must have regard to any matter that the Secretary of State thinks is important and relevant to the Secretary of State's decision. This could include the draft NPS if the relevant NPS has not been formally designated.

#### **Environmental Statement Approach**

- 3.8 The Scoping Report contains limited detail and evidence on which to base the Scoping Opinion, for example in relation to the baseline

information gathered to date, the approach to be taken for assessing environmental impacts and proposed mitigation measures. This has constrained the Secretary of State's ability to comment in more detail on the scope of the assessment. The purpose of scoping is to help applicants in the preparation of their environmental impact assessment. In order to gain most benefit from the process, the Secretary of State advises that careful consideration needs to be given to ensure that a scoping request is undertaken with sufficient information.

- 3.9 The Secretary of State notes (paragraph 4.4 of the Scoping Report) that it is proposed that 'Each chapter of the ES [environmental statement] will follow a common structure ...' The ES should not be a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development. Survey information that informed the EIA should be appended to the ES. The Secretary of State also notes that cumulative impacts are to be reported under the assessment of potential impacts but not under residual impacts (see paragraph 4.4 of the Scoping Report). Clearly residual cumulative impacts should be reported. The applicant's attention is drawn to Appendix 1 and the description of cumulative and inter-relationships between environmental factors.
- 3.10 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the Secretary of State notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the Secretary of State or the consultees.
- 3.11 The Secretary of State notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors.
- 3.12 The Secretary of State advises that the applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work. The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.



- 3.13 The Secretary of State notes that the Scoping Report does not propose a methodology for defining what would constitute a 'significant' effect in the context of the EIA Regulations (other than for Landscape and Visibility in Tables 1, 2 and 3). The Secretary of State advises that the criteria applied to determine the significance of an effect should be clearly set in the ES. This may be achieved through an overarching methodology or by a specific methodology for each specialist topic. Where an overarching methodology is used and some topic assessments depart from this overarching methodology, this difference should be clearly explained within the ES with an explanation of the alternative criteria that has been applied. The ES should clearly identify what level of significance is considered to be "significant in EIA terms". This will be essential to ensure the EIA is clearly understood by the reader – but it also helps to ensure that the methodology has been consistently applied.
- 3.14 The Secretary of State recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:
- (a) to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts;
  - (b) to demonstrate how the assessment has taken account of this Opinion and other responses to consultation;
  - (c) to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft DCO; and
  - (d) to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES
- 3.15 With regards to mitigation measures, it should be made clear within the ES which measures are inherent in the design of the proposed development and where measures are proposed in response to potentially significant effects.
- 3.16 It is unclear whether Phase 1 of the proposed development would operate prior to commencement of construction of Phase 2. If this is the case, the applicant should consider how to assess the potential impacts of the operation of Phase 1 in conjunction with the construction of Phase 2.
- 3.17 In assessing the potential impacts of Phase 2 of the development, the ES should present a future baseline which takes into account the presence of the Phase 1 development.

- 3.18 The Secretary of State notes the proposal for a Construction Environmental Management Plan (CEMP) and that the principles of which will be drafted for submission with the application. The Secretary of State recommends that a draft CEMP is provided and secured within the DCO in order to demonstrate that any mitigation measures, relied upon in the assessment of impacts, are secured.

## **Environmental Statement Structure**

- 3.19 The Scoping Report identifies the following topics that will be covered in the ES:

- Traffic and transport;
- Landscape and visibility;
- Land quality, water resources and flood risk;
- Nature conservation and biodiversity;
- Archaeology and cultural heritage;
- Noise and vibration;
- Air quality;
- Protection of health;
- Socio economic impacts; and
- Cumulative impacts.

- 3.20 Subject to the comments made above at paragraph 3.8, the Secretary of State welcomes that each chapter of the ES will follow a common structure, as set out below:

- Introduction and approach (which will include assessment methodology);
- Baseline information including establishment of the sensitivity of the site and setting relevant to the issue which will be assessed;
- Assessment of potential impacts (Construction and Operational) including identification of relevant cumulative impacts;
- Mitigation (Construction and Operational);
- Assessment of residual impacts (Construction and Operational); and
- Conclusions.

- 3.21 The Secretary of State advises that a summary of relevant consultation responses is also provided for each chapter of the ES.

## **Matters to be Scoped out**

- 3.22 The applicant has not proposed to scope out any matters within the Scoping Report. Therefore, the Secretary of State has not agreed to

scope out certain topic or matters within the Opinion. However, this does not prevent the applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach. If adopted, this approach should be explained fully in the ES.

- 3.23 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

## Topic Areas

### Traffic and Transport (see Scoping Report Section 5)

- 3.24 The Secretary of State welcomes reference at paragraph 5.5 of the Scoping Report to the guidance that the assessment will be undertaken “generally in accordance with published guidelines”, including ‘Guidelines for the Environmental Assessment of Road Traffic’ (Institute of Environmental Assessment (now the Institute of Environmental Management and Assessment)), the Design Manual for Roads and Bridges (DMRB) Volume 11 and the ‘Guidance on Transport Assessment’ (Department for Transport 2007). Any departures in methodology from standard guidelines should be clearly explained within the ES. The applicant’s preliminary discussions to agree the approach to the impact assessment with the relevant highway authorities (Wirral Borough Council and Cheshire West and Chester Council) as well as Highways England are also welcomed. Any agreements reached should be documented or otherwise cross referenced as part of the ES.
- 3.25 The Scoping Report does not contain any details of the baseline traffic and transport movements, nor does it identify the potential sources of such information. The baseline environment should be provided within the ES, along with a justification for the study area and details of the data used to inform the baseline.
- 3.26 Paragraph 5.2 of the Scoping Report states that most of the oil feedstock would be received by pipeline from the adjacent NuStar terminal which receives waste oil deliveries by road and by sea. The ES should quantify the number of expected vessel movements associated with the proposed development. Consideration should be given to inter-relationships with other environmental topics, including for example whether there could be an impact on birds within the Mersey Estuary and the potential for an increase in noise and emissions at QEII. Attention is drawn to the comments of Wirral Borough Council (see Appendix 3) in this regard.
- 3.27 Paragraph 5.2 also states that as a result of the waste oil being delivered primarily by pipeline from NuStar, only a “limited number” of additional vehicle movements would be generated. The Secretary

of State will expect to see a quantification of deliveries required and an explanation to justify a worst case approach to the assessment of effects. This applies equally to export deliveries of re-refined products and any by-products or waste products.

- 3.28 The assessment should be informed by a 'worst case' traffic impact scenario which takes into account the proposed phasing of the proposed development's construction; the assessment should clearly consider any overlap between operational traffic associated with Phase 1 and construction traffic of Phase 2. The potential for cumulative traffic impacts with other plans and projects should also be considered in this regard.
- 3.29 Where mitigation is being relied upon in terms of reducing the significance of potential traffic and transport effects (e.g. a travel plan that is referenced at paragraph 5.1 of the Scoping Report), these should be secured as part of the DCO. This should include an outline of the minimum measures that will be required to ensure the residual impacts reported in the ES are secured. Where multiple mitigation plans are inter-related (for example Codes of Construction Practice (CoCP), CEMP, Construction Traffic Management Plan (CTMP), traffic routing strategies and travel plans), the hierarchical relationship between such plans should be clearly set out alongside the extent to which they are relied upon as mitigation for identified environmental effects.

#### **Landscape and Visibility (see Scoping Report Section 6)**

- 3.30 The assessment of landscape and visual effects described in the Scoping Report refers to the development of a Zone of Theoretical Visibility (ZTV) to establish the possible extent of visibility which will be verified by site observations. The ZTV should consider a reasonable and justified 'worst case' with regard to topographic, vegetative and other types of screening that may affect the visibility of the proposals, particularly in the context of any design assumptions (e.g. stack heights, building dimensions and landscaping proposals).
- 3.31 The Scoping Report proposes at paragraph 6.9 a 'broad scale study area' extending 6km from the site and 'a more detailed study area' extending 2km from the site for a more detailed visual assessment. The Secretary of State recommends that the extent of the study area is justified within the ES, taking into account the ZTV and the guidance documents referenced, and that it is agreed with the local authorities.
- 3.32 The Secretary of State welcomes that the key viewpoints will be agreed with Wirral Borough Council (as referenced at paragraph 6.14 of the Scoping Report). The applicant should consider the need to include an assessment of effects from within the Mersey Estuary to the north and northwest of the site.

- 3.33 The Secretary of State welcomes the production of photomontages to demonstrate the character and components of the site. The ES should clearly detail the assumptions (e.g. the maximum building dimensions) which have been made in producing the photomontages.
- 3.34 The Secretary of State welcomes that effects of night lighting on the landscape character will be considered (as referenced at paragraph 6.22 of the Scoping Report), and would expect the assessment to also consider night time visual impacts of the proposed development during construction, operation and decommissioning.
- 3.35 The visual impact of the stacks and emergency flaring will need to be assessed and clarity is required in the context of the size and number of stacks and the duration and frequency of flare emissions as well as their effects on sensitive viewpoints.
- 3.36 Paragraph 6.16 of the Scoping Report describes that the significance of effects will be assessed during construction, the opening year and after 15 years of operation. The assessment should reflect that as a result of the phasing there will be two separate opening years.
- 3.37 The Secretary of State welcomes the proposal to consider mitigation as an integral part of the site layout and design (see paragraph 6.24 of the Scoping Report) as well as mitigation in the form of landscape planting. The Secretary of State would expect the potential inter-related effects of any landscaping mitigation proposals to be considered throughout the ES, notably with nature conservation and biodiversity. Opportunities could be taken for ecological enhancement as part of any landscape proposals. The applicant should also consider the need for cross referencing between landscaping and ecological management plans and ensure that they are adequately secured within the DCO.

**Land Quality, Water Resources and Flood Risk (see Scoping Report Section 7)**

- 3.38 The Secretary of State notes that the site is currently greenfield and that the proposed development would result in the ground surfaces being impervious to water. The ES will need to assess the potential effect of this increased impermeable area in terms of surface water run-off and flood risk. The Secretary of State welcomes the proposals for sustainable urban drainage techniques as part of the surface water management system described at paragraphs 3.17 and 7.19 of the Scoping Report and advises further details of these are provided within the ES.
- 3.39 The potential risks of pollution and impacts to foul drainage infrastructure should also be considered; including details of how potentially contaminated run-off and foul water generated by the proposed development would be managed. All of the above should also take into account allowances for climate change and also the

effects of any ground raising / lowering / landscaping works that may affect site drainage.

- 3.40 Paragraphs 7.12, 7.13 and 7.20 of the Scoping Report refer to a Phase II ground site investigation being carried out to identify levels of contamination at the site which may require remedial works (with an options appraisal of methods to be presented in the ES). The ES should describe the extent to which the outcomes of the remedial works can be relied upon in concluding as to the significance of residual effects. The effects of the remediation options on other environmental topic areas should be addressed, as well as any knock-on effects to the duration of the construction phase.
- 3.41 The ES should clearly specify and justify the study area for the assessment, taking into account “downstream receptors” as detailed in paragraph 7.17 of the Scoping Report.
- 3.42 The applicant should consider waste management associated with the potential remediation works and other site preparation and construction works that may generate waste. The ES should set out arrangements for managing waste arising with consideration of the waste hierarchy and the capacity of local waste management facilities.
- 3.43 Paragraph 7.9 of the Scoping Report identifies that the current ecological quality of the QEII dock and the Mersey Estuary is considered by the Environment Agency to be moderate, although the dock and the river both fail on chemical quality. The ES should specifically consider the status of these water courses and the potential effects of the proposed development as a result of any discharges and / or abstractions required to facilitate the proposed development. Consideration should also be given for potential impacts to the adjacent Manchester Ship Canal associated with the proposed discharge of surface water run-off (paragraph 7.19 of the Scoping Report).
- 3.44 The applicant's attention is drawn to the comments of Natural England (see Appendix 3) regarding the need to consider potential impacts on the Mersey Estuary.
- 3.45 The assessment should also consider the hydraulic connectivity of the proposed development site (during baseline conditions, and construction and operation of the development) to the surrounding designations in the vicinity of the site which are identified in Figure 3 of the Scoping Report.
- 3.46 The Secretary of State welcomes reference to discussions with the Environment Agency on the scope of the assessment and recommends that this includes consideration of the mitigation measures to be employed and the methods by which these measures

are to be secured as part of the DCO. The need for any on-going monitoring should also be considered.

**Nature Conservation and Biodiversity (see Scoping Report Section 8)**

- 3.47 The Secretary of State welcomes that the assessment will be prepared in liaison with relevant stakeholders including Natural England and the Merseyside Environmental Advisory Service.
- 3.48 The ES should clearly define and justify the “zone of influence” which is introduced at paragraph 8.6 of the Scoping Report.
- 3.49 The Secretary of State welcomes the ecological survey work undertaken between October 2014 and March 2015. The Secretary of State notes that species to be surveyed is confined to wintering birds; birds adjacent to the development site; and badgers and advises that the ES should explain fully why only these species have been surveyed. The applicant is advised to discuss the scope and findings of these surveys with Natural England and that agreement is reached on their sufficiency. Agreement should also be reached with NE that no other surveys or species are necessary. Should any further surveys/species be deemed necessary, these should be undertaken in advance of the application submission. In this regard, the applicant’s attention is drawn to the comments of Natural England (see Appendix 3) in relation to bird survey methodology, protected species and the need for habitat and invertebrate surveys; and of Wirral Borough Council (see Appendix 3) regarding the need for an assessment of bat roost potential.
- 3.50 The Secretary of State welcomes the applicant’s identification of designated sites on Figure 3 of the Scoping Report but recommends that a defined and justified area of influence / buffer zone around the proposed development site is identified within which potential effects are considered.
- 3.51 The loss of c. 7.4ha of a ‘greenfield’ site should be quantified in terms of the value of habitat and supporting flora and fauna that will be lost, alongside consideration of the need for compensatory habitat or ecological enhancement. Cumulative effects on ecological receptors in this context should also be addressed specifically as part of the EIA. Where reliance is placed on compensation and ecological enhancement in mitigating potentially significant effects, the Secretary of State will expect to see how the minimum measures required to achieve any residual effects presented in the ES are secured as part of the DCO.
- 3.52 The ES chapter should consider the potential significance of effects of the proposed development on European, nationally and locally designated sites including (but not limited to):

- Mersey Estuary Special Protection Area (SPA);
- Mersey Estuary Ramsar site;
- Mersey Estuary Site of Special Scientific Interest (SSSI);
- New Ferry SSSI;
- Dibbinsdale SSSI;
- Brotherton Park and Dibbinsdale Local Nature Reserve (LNR);
- Rivacre Valley LNR; and
- Eastham Woods Site of Biological Importance (SBI)

3.53 The assessment of ecological effects should take account of potential inter-related impacts. For example, the ecological assessment should assess the effects of any proposed planting, noise and vibration, air quality (including dust) and lighting on ecological receptors. Appropriate cross references should be made to these assessments within the ES.

3.54 Paragraphs 8.8 – 8.9 of the Scoping Report outline the applicant's intention to produce a screening report in satisfying the requirement for a Habitats Regulations Assessment (HRA). The Secretary of State welcomes that a screening report will be prepared at an early stage for discussion with Natural England and the Measure Estuary Advisory Service. The applicant's attention is drawn to the comments of Natural England and Wirral Borough Council (see Appendix 3) and Section 4 of this Scoping Opinion for comments and further information on HRA. The Secretary of State also advises referring to the Advice Note 10 available on the National Infrastructure Planning website.

3.55 The Scoping Report does not confirm the presence or absence of any European Protected Species (EPS) that may be affected by the proposed development, or whether any EPS licence(s) is required. Further advice on EPS licencing is provided in section 4 of this Scoping Opinion.

#### **Archaeology and Cultural Heritage (see Scoping Report Section 9)**

3.56 The Secretary of State welcomes the applicant's intention to prepare an archaeological desk based assessment (DBA) and agree the scope of any further archaeological and cultural heritage assessment, both in consultation with the County Archaeologist and Historic England.

3.57 Although not referenced within the Scoping Report, the Secretary of States notes that the setting of cultural heritage resources that could be affected includes listed buildings in and around the Eastham Village Conservation Area; listed buildings in the village of Bromborough (along with a Scheduled Ancient Monument (SAM)); Eastham Country Park and Hooton Park Aerodrome, all within 3km of



the Proposed Development site. Potential impacts on all of these cultural heritage assets should be addressed in the ES and cross reference should be made to the Landscape and Visual assessment of the ES.

- 3.58 Particular clarity is required in this respect as Paragraph 9.5 of the Scoping Report which states that an assessment of potential effects on offsite designated heritage assets “within the visual envelope of the proposed development” will be made. The Secretary of States assumes that although not defined that for this purpose, the ZTV (paragraph 6.7 of the Scoping Report) will be used in defining the ‘visual envelope’; however this should be justified and appropriately cross-referenced within the ES.

### **Noise and Vibration (see Scoping Report Section 10)**

- 3.59 The Secretary of State welcomes the consultations undertaken to date with the local authority to determine the survey and impact assessment methodology, as well as the proposed on-going consultation. The Secretary of State recommends that the methodology for collecting baseline data and assessing impacts, study area and choice of noise receptors are all discussed and agreed.
- 3.60 The Scoping Report (paragraph 10.3) states that a baseline environmental noise survey has been undertaken by means of automated monitoring over a period of up to 96 hours, however does not state when this took place. This information should be included within the ES and the applicant should ensure that the baseline data is up to date and is representative of baseline conditions.
- 3.61 Figure 2 of the Scoping Report identifies two background noise monitoring locations, one north of the NuStar Terminal and one by Seaview Avenue. The Secretary of State advises that consideration is also given to the Mersey Estuary, given its designation as a SSSI, SPA and Ramsar site, and that appropriate cross reference is made to the Nature Conservation chapter of the ES.
- 3.62 Consideration of noise impacts should also extend to the chosen utility route.
- 3.63 Information should be provided on the numbers and types of vehicles and plant to be used during the construction phase. Once operational, noise sources generated should be identified and assessed. Where appropriate, effective measures should be provided to mitigate against noise nuisance.
- 3.64 The ES should identify the proposed hours of construction and operation. Noise impacts on people should be specifically addressed and particularly any potential noise disturbance at night and other unsocial hours such as weekends and public holidays.

- 3.65 The applicant's attention is drawn to the comments of Natural England (see Appendix 3) regarding potential noise and vibration impacts during the passage/overwintering period.
- 3.66 Attention is drawn to the comments of Wirral Borough Council regarding the need to consider indirect noise impacts from additional ship movements at QEII Dock (see Appendix 3).
- 3.67 Consideration should be given to monitoring noise complaints during construction and when the development is operational, and particular reference should be made to the overlap between the operational noise of Phase 1 combined with the construction noise associated with Phase 2.

**Air Quality (see Scoping Report Section 11)**

- 3.68 The Secretary of State welcomes the proposed consultation with Wirral Borough Council and the Environment Agency to determine a definitive list of significant emissions sources. The Secretary of State recommends consultation is also undertaken to discuss and agree the methodology for collecting baseline data and assessing impacts, the study area and choice of sensitive receptors at which predicted concentrations will be modelled. This should include agreement over the need for undertaking detailed atmospheric modelling.
- 3.69 Paragraph 11.7 of the Scoping Report states that five diffusion tube monitoring sites for oxides of nitrogen and currently located in and around Eastham; the ES should identify the location of these tubes. The Scoping Report has not proposed baseline surveys for any other compounds. The Secretary of State recommends the approach for establishing the baseline is agreed with Wirral Borough Council and the Environment Agency. Should no further site specific air quality monitoring surveys be employed, the applicant should ensure that the air quality data used in the assessment is up to date; that its coverage is appropriate for the desk based review; and that its use is agreed with the relevant consultees. Attention is drawn to the response from Wirral Borough Council in Appendix 3 for further comments on baseline data.
- 3.70 Paragraph 11.8 of the Scoping Report states that any proposed changes to emission sources in the area will be considered where identified, for example proposed modifications to operations at NuStar, Eastham Oil Refinery or Vauxhall facilities. The Secretary of State advises that proposed changes should be included in the cumulative assessment and not incorporated into the baseline.
- 3.71 Dispersion modelling, if undertaken, should consider a range of possibilities and seek to demonstrate that the 'worst case' scenario is assessed, for example the 'worst case' may occur as a short term impact. The ES should identify the source and date of all data used within the modelling.

- 3.72 The implications of stack height and dispersion of the discharge needs to be clearly explained, alongside a description of any mitigation measures that are 'in-built' into the design of the processing plant or are proposed as a result of its predicted effects.
- 3.73 The ES should provide an estimate of the frequency and duration of emissions through the emergency release flares.
- 3.74 Paragraph 11.15 of the Scoping Report states that the impact of contributions to air pollution from traffic and transport will be calculated where initial screening demonstrates that it is necessary. The ES should present the outcomes of the initial screening, regardless of whether further calculations are deemed to be required.
- 3.75 The Secretary of State welcomes that potential emissions of dust during the construction phase will be assessed.
- 3.76 The Secretary of State welcomes that an odour management plan will be produced for site operations and will be part of the Environmental Permit. Should the odour management plan secure any mitigation measures which are relied upon as part of the air quality assessment within the ES, this mitigation will also need to be secured through the DCO.
- 3.77 The assessment should assess the implications on nearby designated sites, in particular the Mersey Estuary SSSI, SPA and Ramsar site, and appropriate cross-reference should be made to the Nature Conservation and Biodiversity chapter of the ES.
- 3.78 The ES should consider the potential for air quality impacts occurring from the operation of Phase 1 in conjunction with potential impacts from the construction of Phase 2.
- 3.79 Consideration should be given to appropriate mitigation measures and to monitoring dust complaints.

**Protection of Health (see Scoping Report Section 12)**

- 3.80 The Secretary of State welcomes the proposed consideration of the potential effects of emissions on human health and recommends that the scope of the assessment is discussed with the Environmental Health Department at Wirral Borough Council. Mitigation measures should take into account acute risks.
- 3.81 The applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from the Health and Safety Executive and Public Health England in relation to electrical safety issues (see Appendix 3).

**Socio-economic Impacts (see Scoping Report Section 13)**

- 3.82 The Secretary of State welcomes the proposed consideration of socio-economic impacts. The Secretary of State recommends that the types of jobs generated should be considered in the context of the available workforce in the area, this applies equally to the construction and operational stages.
- 3.83 The Secretary of State recommends that the assessment criteria should be locationally specific and consider the potential significance of the impacts of the proposal within the local and regional context.
- 3.84 In particular, the applicant should consider:
- Potential increased demand on local services and amenities as a result of the proposed development, particularly during construction (including health services and utilities);
  - Durations, types and numbers of jobs generated during each phase of the proposed development considered in the context of local and regional workforces; and
  - Impacts on recreational uses within the area, including PROWs (with appropriate cross reference to the Traffic and Transport chapter of the ES).

**Cumulative Impacts (see Section 14 of the Scoping Report)**

- 3.85 The Secretary of State welcomes consideration of the cumulative impacts of the proposed development together with those from permitted or committed developments in the vicinity of the site. Appendix 1 of this Opinion provides further details on the types of plans and projects that the Secretary of State would expect to be considered in a cumulative assessment. Further advice on cumulative impact assessment is also provided in the Planning Inspectorate's Advice Note 9 'Rochdale Envelope' which is available on the National Infrastructure Planning website.
- 3.86 The Secretary of State considers that the ES should report upon the cumulative assessment for all topics and should not be limited to noise, landscape and visibility, traffic and air quality. Should cumulative impacts be ruled out for other topics, this should be explained and justified within the ES.

## 4. OTHER INFORMATION

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

### Pre-application Prospectus

- 4.2 The Planning Inspectorate offers a service for applicants at the pre-application stage of the nationally significant infrastructure planning process. Details are set out in the prospectus 'Pre-application service for NSIPs'<sup>1</sup>. The prospectus explains what the Planning Inspectorate can offer during the pre-application phase and what is expected in return. The Planning Inspectorate can provide advice about the merits of a scheme in respect of national policy; can review certain draft documents; as well as advice about procedural and other planning matters. Where necessary a facilitation role can be provided. The service is optional and free of charge.
- 4.3 The level of pre-application support provided by the Planning Inspectorate will be agreed between an applicant and the Inspectorate at the beginning of the pre-application stage and will be kept under review.

### Preliminary Environmental Information

- 4.4 Consultation forms a crucial aspect of environmental impact assessment. As part of their pre-application consultation duties, applicants are required to prepare a Statement of Community Consultation (SoCC). This sets out how the local community will be consulted about the proposed development. The SoCC must state whether the proposed development is EIA development and if it is, how the applicant intends to publicise and consult on PEI. Further information in respect of PEI may be found in Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping.

### Habitats Regulations Assessment (HRA)

- 4.5 The Secretary of State notes that European sites may be located close to the proposed development including the Mersey Estuary SPA and Ramsar site. It is the applicant's responsibility to provide sufficient information to the Competent Authority (CA) to enable

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<sup>1</sup> The prospectus is available from:  
<http://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

them to carry out a HRA if required. The applicant should note that the CA is the Secretary of State.

- 4.6 The applicant's attention is drawn to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations) and the need to include information identifying European sites to which the Habitats Regulations applies or any Ramsar site or potential SPA which may be affected by a proposal. The submitted information should be sufficient for the competent authority to make an appropriate assessment (AA) of the implications for the site if required by Regulation 61(1) of the Habitats Regulations.
- 4.7 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the CA of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the CA.
- 4.8 When considering aspects of the environment likely to be affected by the proposed development; including flora, fauna, soil, water, air and the inter-relationship between these, consideration should be given to the designated sites in the vicinity of the proposed development.
- 4.9 Further information with regard to the HRA process is contained within Planning Inspectorate's Advice Note 10 available on the National Infrastructure Planning website.

## **PLAN TO AGREE HABITATS INFORMATION**

- 4.10 A Plan may be prepared to agree upfront what information in respect of Habitats Regulations the applicant needs to supply to the Planning Inspectorate as part of a DCO application. This is termed an Evidence Plan for proposals in England.
- 4.11 An evidence plan will help to ensure compliance with the Habitats Regulations. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help applicants meet the requirement to provide sufficient information (as explained in Advice Note 10) in their application, so the Examining Authority can recommend to the Secretary of State whether or not to accept the application for examination and whether an appropriate assessment is required.
- 4.12 Any applicant of a proposed NSIP can request an evidence plan. A request for an evidence plan should be made at the start of pre-application (eg after notifying the Planning Inspectorate on an informal basis) by contacting Natural England.

## **Sites of Special Scientific Interest (SSSIs)**

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

## **European Protected Species (EPS)**

- 4.17 Applicants should be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive. Where a potential risk to a European Protected Species (EPS) is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests in Regulation 53 of the Habitats Regulations. Therefore the applicant may wish to provide information which will assist the decision maker to meet this duty.
- 4.18 If an applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the applicant as the person responsible for commissioning

the proposed activity by taking into account the advice of their consultant ecologist.

- 4.19 Applicants are encouraged to consult with Natural England and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the examination if applicants could provide, with the application documents, confirmation from Natural England whether any issues have been identified which would prevent the EPS licence being granted.
- 4.20 Generally, Natural England are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, Natural England will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, Natural England will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why Natural England consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued. The applicant is responsible for ensure draft licence applications are satisfactory for the purposes of informing formal pre-application assessment by Natural England.
- 4.21 Ecological conditions on the site may change over time. It will be the applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals.
- 4.22 In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any resulting amendments to the draft licence application). OR In Wales, the focus is on evidencing the demonstration of no detriment to the maintenance of favourable conservation status (FCS) of the population or colony of EPS potentially affected by the proposals. This approach will help to ensure no delay in issuing the licence should the DCO application be successful. Applicants with projects in England or English waters can find further information in Natural England's NSIP and licencing guidance note<sup>2</sup>.

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<sup>2</sup> Available from:  
[http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36\\_tcm6-28566.pdf](http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/Images/wml-g36_tcm6-28566.pdf)



- 4.23 In England or English Waters, assistance may be obtained from the Planning Inspectorate's Consents Service Unit (please see paragraph 4.27 below for further information).

### **Consents Service Unit**

- 4.24 The Consents Service Unit (CSU) works with applicants on a number of key non-planning consents associated with nationally significant infrastructure projects in England and English Waters. The Unit's remit includes 12 non-planning consents, including EPS licences, environmental permits and flood defence consents. The consents covered are set out in Annex 1 of the CSU 'Prospectus for Developers'<sup>3</sup> and the service is free of charge and entirely voluntary.

### **Other Regulatory Regimes**

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

## **The Environmental Permitting Regulations and the Water Resources Act**

### **Environmental Permitting Regulations 2010**

- 4.27 The Environmental Permitting Regulations 2010 (EPR 10) require operators of certain facilities, which could harm the environment or

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<sup>3</sup> Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/consents-service-unit/>

human health, to obtain permits from the Environment Agency. Environmental permits can combine several activities into one permit. There are standard permits supported by 'rules' for straightforward situations and bespoke permits for complex situations. For further information, please see the Government's advice on determining the need for an environmental permit<sup>4</sup>

4.28 The Environment Agency's environmental permits cover:

- Industry regulation;
- Waste management (waste treatment, recovery or disposal operations);
- Discharges to surface water;
- Groundwater activities; and
- Radioactive substances activities.

4.29 Characteristics of environmental permits include:

- They are granted to operators (not to land);
- They can be revoked or varied by the Environment Agency;
- Operators are subject to tests of competence;
- Operators may apply to transfer environmental permits to another operator (subject to a test of competence); and
- Conditions may be attached.

### **The Water Resources Act 1991**

4.30 Under the Water Resources Act 1991 (as amended), anyone who wishes to abstract more than 20m<sup>3</sup>/day of water from a surface source such as a river or stream or an underground source, such as an aquifer, will normally require an abstraction licence from the Environment Agency. For example, an abstraction licence may be required to abstract water for use in cooling at a power station. An impoundment licence is usually needed to impede the flow of water, such as in the creation of a reservoir or dam, or construction of a fish pass.

4.31 Abstraction licences and impoundment licences are commonly referred to as 'water resources licences'. They are required to ensure that there is no detrimental impact on existing abstractors or the environment. For further information, please see the Environment

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<sup>4</sup> Available from: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

Agency's WR176 guidance form on applying for a full, transfer or impounding licence<sup>5</sup>:

4.32 Characteristics of water resources licences include:

- They are granted to licence holders (not to land);
- They can be revoked or varied;
- They can be transferred to another licence holder; and
- In the case of abstraction licences, they are time limited.

### **Role of the Applicant**

4.33 It is the responsibility of applicants to identify whether an environmental permit and / or water resource licence is required from the Environment Agency before an NSIP can be constructed or operated. Failure to obtain the appropriate consent(s) is an offence. The CSU as was established to aid applicants in this regard (see paragraph 4.27 above).

4.34 The Environment Agency allocates a limited amount of pre-application advice for environmental permits and water resources licences free of charge. Further advice can be provided, but this will be subject to cost recovery.

4.35 The Environment Agency encourages applicants to engage with them early in relation to the requirements of the application process. Where a project is complex or novel, or requires a Habitats Risk Assessment, applicants are encouraged to "parallel track" their applications to the Environment Agency with their DCO applications to the Planning Inspectorate. Further information on the Environment Agency's role in the infrastructure planning process is available in Annex D of the Planning Inspectorate's Advice note eleven (working with public bodies in the infrastructure planning process)<sup>6</sup>

4.36 When considering the timetable to submit their applications, applicants should bear in mind that the Environment Agency will not be in a position to provide a detailed view on the application until it issues its draft decision for public consultation (for sites of high public interest) or its final decision. Therefore the applicant should ideally submit its application sufficiently early so that the Environment Agency is at this point in the determination by the time the Development Consent Order reaches examination.

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<sup>5</sup> Available from: <https://www.gov.uk/government/publications/wr176-applying-for-full-transfer-or-impoundment-licence-form-guidance>

<sup>6</sup> Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- 4.37 It is also in the interests of an applicant to ensure that any specific requirements arising from their permit or licence are capable of being carried out under the works permitted by the DCO. Otherwise there is a risk that requirements could conflict with the works which have been authorised by the DCO (e.g. a stack of greater height than that authorised by the DCO could be required) and render the DCO impossible to implement.

### **Transboundary Impacts**

- 4.38 The applicant has not indicated whether the proposed development is likely to have significant impacts on another European Economic Area (EEA) State.
- 4.39 Regulation 24 of the EIA Regulations, which inter alia require the Secretary of State to publicise a DCO application if the Secretary of State is of the view that the proposal is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The Secretary of State considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.
- 4.40 The Secretary of State recommends that the ES should identify whether the proposed development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

## **APPENDIX 1 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT**

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

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

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

*(EIA Regulations Regulation 2)*

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

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

### **ES Indicative Contents**

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

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

*17. Description of the development, including in particular—*

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

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

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

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

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

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

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

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

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

*(EIA Regulations Schedule 4 Part 1)*

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

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

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

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

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

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

*(EIA Regulations Schedule 4 Part 2)*

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

## **Balance**

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

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

## Scheme Proposals

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

## Flexibility

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

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

The Rochdale Envelope principle (*see R v Rochdale MBC ex parte Tew (1999) and R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The applicant's attention is drawn to the Planning Inspectorate's Advice Note 9 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

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

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



of the structures and of any buildings. Lighting proposals should also be described.

## Scope

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

### Physical Scope

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

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

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

### Breadth of the Topic Area

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

## Temporal Scope

The assessment should consider:

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

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

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

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

## Baseline

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

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

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

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

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

## **Identification of Impacts and Method Statement**

### **Legislation and Guidelines**

In terms of the EIA methodology, the Secretary of State recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

In terms of other regulatory regimes, the Secretary of State recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

### **Assessment of Effects and Impact Significance**

The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).

As a matter of principle, the Secretary of State applies the precautionary approach to follow the Court's reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the proposed development will have an effect, and not that a development will definitely have an effect.

The Secretary of State considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The Secretary of State recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The Secretary of State considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

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

### **Inter-relationships between environmental factors**

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

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

### **Cumulative Impacts**

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

- Projects that are under construction;
- Permitted application(s) not yet implemented;
- Submitted application(s) not yet determined;
- All refusals subject to appeal procedures not yet determined;
- Projects on the National Infrastructure's programme of projects; and
- Projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited.

Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment will be crucial in this regard.

The Secretary of State recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

For the purposes of identifying any cumulative effects with other developments in the area, applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on Transboundary Effects below).

### **Related Development**

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

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

### **Alternatives**

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

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

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

### **Mitigation Measures**

Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set

out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

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

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

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

### **Cross References and Interactions**

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

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

### **Consultation**

The Secretary of State recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

It is recommended that the applicant provides preliminary environmental information (PEI) (this term is defined in the EIA Regulations under regulation 2 'Interpretation') to the local authorities.

Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in

accordance with Section 47 of the Planning Act, this could usefully assist the applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

## Transboundary Effects

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

The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12 'Development with significant transboundary impacts consultation' which is available on the Advice Notes page of the National Infrastructure Planning website.

## Summary Tables

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

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

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

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

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

## Terminology and Glossary of Technical Terms

The Secretary of State recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as

to avoid confusion with, for example, the wider site area or the surrounding site. A glossary of technical terms should be included in the ES.

## **Presentation**

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

## **Confidential Information**

In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Planning Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

## **Bibliography**

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

## **Non Technical Summary**

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



## APPENDIX 2 – LIST OF BODIES FORMALLY CONSULTED

Note: the Prescribed Consultees have been consulted in accordance with the Planning Inspectorate’s Advice Note 3: EIA Consultation and Notification (version 6, June 2015).

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	Wirral Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England North West Region
The Relevant Fire and Rescue Authority	Merseyside Fire and Rescue Service
The Relevant Police and Crime Commissioner	Police and Crime Commissioner for Merseyside
The Environment Agency	The Environment Agency - North West Region
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Marine Management Organisation	Marine Management Organisation (MMO)
The Civil Aviation Authority	Civil Aviation Authority
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	Merseytravel
	Merseytravel Committee of the Liverpool City Region Combined Authority
The Relevant Highways Authority	Wirral Borough Council Highways Department
The relevant strategic highways company	Highways England - North West Region
The Canal and River Trust	The Canal and River Trust
Public Health England, an executive agency to the Department of Health	Public Health England

<b>RELEVANT STATUTORY UNDERTAKERS</b>	
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	Wirral Clinical Commissioning Group
Local Area Team	Cheshire, Warrington And Wirral Area Team
Ambulance Trusts	North West Ambulance Service NHS Trust
Canal Or Inland Navigation Authorities	Manchester Ship Canal Company Limited (Peel Ports Group)
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
Relevant Homes and Communities Agency	Homes and Communities Agency
Relevant Environment Agency	The Environment Agency - North West Region
Water and Sewage Undertakers	United Utilities
Public Gas Transporter	Energetics Gas Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	LNG Portable Pipeline Services Limited
	National Grid Gas Plc
	Quadrant Pipelines Limited
	SSE Pipelines Ltd
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
Wales and West Utilities Ltd	

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
Electricity Distributors With CPO Powers	Energetics Electricity Limited
	ESP Electricity Limited
	Independent Power Networks Limited
	The Electricity Network Company Limited
	Utility Assets Limited
	SP Distribution Limited
	SP Manweb Plc
	National Grid Electricity Transmission Plc
<b>SECTION 43 CONSULTEES</b>	
Local Authority	Wirral Borough Council
	Cheshire West and Chester Council
	Liverpool City Council
	Sefton Council
	Flintshire County Council



## APPENDIX 3 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

List of bodies who replied by the Statutory Deadline:

Civil Aviation Authority
Environment Agency
ESP Utilities Group Limited (E S Pipelines Limited, ESP Electricity Limited, ESP Connections Limited, ESP Networks Limited and ESP Pipelines Limited) (Joint response)
Health and Safety Executive
Manchester Ship Canal
Maritime and Coastguard Agency
National Grid
NATS
Natural England
Public Health England
Quadrant Pipelines Limited, Independent Power Networks Limited, The Electricity Network Company Limited, GTC Pipelines Limited and Independent Pipelines Limited (Joint response)
Sefton Metropolitan Borough Council
The Canal and River Trust
Wirral Borough Council



**From:** [Wakeman Mark](#)  
**To:** [Environmental Services](#)  
**Subject:** WS010004 – Hydrodec Oil Re-refinery –EIA Scoping Notification and Consultation and Reg 9 Notification  
**Date:** 07 July 2015 13:36:49

---

Hannah,

Thank you for your email dated 1 Jul 15 referring to the subject planning application. The following is based upon the information contained within your correspondence and the assumption that the tallest structure would be less than 150m high (measured above ground level); in this case I understand the tallest structure is one of the stacks at 80m (263 ft). If that is not the case please advise accordingly.

Noting that the CAA has no role in assessing the purely environmental implications of the project and therefore makes no comment on that specific aspect, I believe that the following (potential) issues are worthy of consideration:

### **Aerodrome Safeguarding.**

In respect of any potential aerodrome related issue, I should highlight the need for the developer or sponsor/ representative to check any safeguarding maps lodged with relevant planning authorities to identify any aerodrome specific safeguarding issues. Noting that aerodrome safeguarding responsibility rests in all cases with the relevant aerodrome operator / licensee, not the CAA, it is important that the related viewpoints of any relevant aerodrome license holders / operators is established and any concerns expressed appropriately mitigated.

### **Safeguarding of Communication and Navigation Systems.**

Aviation safeguarding responsibility extends beyond that associated with physical safeguarding and includes the safeguarding to ensure the integrity of communications and navigation systems. Whilst the CAA is involved in the technical design of arrival and departure procedures at CAA Licensed Aerodromes, the safeguarding of those published procedures remains the responsibility of the airport operator. If the operator has related concerns and requires a regulatory input, they will approach the Instrument Flight Procedures experts within CAA for guidance.

### **Aviation Warning Lighting.**

In the UK, the need for aviation obstruction lighting on 'tall' structures depends in the first instance upon any particular structure's location in relationship to an aerodrome. If the structure constitutes an 'aerodrome obstruction' it is the aerodrome operator that will review the lighting requirement. For civil aerodromes, they will, in general terms, follow the requirements of CAP 168 - Licensing of Aerodromes. This document can be downloaded from the Civil Aviation CAA website at [www.caa.co.uk/docs/33/CAP168.PDF](http://www.caa.co.uk/docs/33/CAP168.PDF) - Chapter 4 (12.8) refers to obstacle lighting.

Away from aerodromes Article 219 of the UK Air Navigation Order applies. This Article requires that for en-route obstructions (ie away from aerodromes) lighting only becomes legally mandated for structures of a height of 150m or more. However, structures of lesser high might need aviation obstruction lighting if, by virtue of their location and nature, they are considered a significant navigational hazard.

Cranes, whether in situ temporarily or long term are captured by the points heighted above. Note that if a crane is located on top of another structure, it is the overall height (structure + crane) than is relevant. Crane operations are further discussed below.

In this case it follows that if the structure is less than 150m (agl) high, any mandated lighting requirement would depend upon input from local aerodromes/ airports. That said, even in the event that there proves to be no aerodrome issue and the 150m threshold is not reached, there may still be a case for aviation lighting dependent upon the positioning of other tall structures in the immediate vicinity. Note that if the structure is to be 150m or higher, the lighting specification set out in Article 219 become a statutory requirement. In this latter case, any proposal to seek a lighting specification at odds with Article 219 should involve the CAA at the earliest convenience (tel 0207 453 6545 / [airspace@caa.co.uk](mailto:airspace@caa.co.uk)).

### **Aviation Notification.**

In the UK all structures of a height of 300ft (91.4m) or more are published for civil aviation purposes. It follows that if the tallest structure is 80m (263 ft) this falls below this threshold, unless cranes operating above 300 ft are used during the construction. In this case, the crane will need to be highlighted to the aviation community. To that end, when the construction timeframes are known the developer will need to pass related details (precise location, maximum height and associated timescales) to the Defence Geographic Centre (DGC) which maintains the UK's master database of tall structure (the Digital Vertical Obstruction File). DGC point of contact details as follows - 0208 818 2702 / [dvof@mod.uk](mailto:dvof@mod.uk).

### **Crane Operations.**

If the use of cranes on the site extend to 300ft or more consideration must be given to notification for civil aviation purposes. Temporary structures such as cranes can be notified through the means of a **Notice to Airmen** (NOTAM). To arrange an associated NOTAM, a developer should contact the CAA (Airspace Regulation) at [ausops@caa.co.uk](mailto:ausops@caa.co.uk) / 0207 453 6599. The developer should provide an accurate location (degrees, minutes and seconds) an accurate maximum height (including any crantage) and a completion date. If the crane is to be in place for in excess of 90 days it should be considered a permanent structure and will need to be notified as such: to that end the developer should contact the DGC (contact details above). Additionally, any crane of a height of 60m or more will need to be equipped with aviation warning lighting in line CAA guidance concerning crane operations which is available at <http://www.caa.co.uk/docs/33/CAP%201096%20In%20Focus%20-%20Crane%20Ops.pdf> .



**Emergency Services Helicopter Activity.**

Due to the unique nature of associated operations in respect of operating altitudes and potentially unusual landing sites, it would be sensible to establish the related viewpoint of local emergency services air support units.

**Other Aviation Stakeholders.**

To complete the aviation picture, it is essential that the Ministry of Defence and NATS are provided the opportunity to comment upon this proposal.

I believe each of the (potential) issues described are worth of consideration. None of the above comments negate any future associated need to consult in accordance with DfT / ODPM Circular 1/2003. I trust that this information and guidance is of assistance. Please do not hesitate to contact me if you require further input or clarification of any point.

Regards,



**Mark Wakeman**

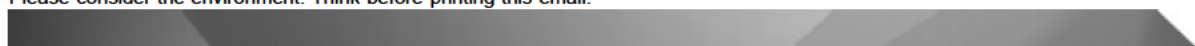
Airspace Regulator  
Airspace, ATM & Aerodromes  
Civil Aviation Authority



Tel: 020 7453 6581

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**Planning Inspectorate**  
3/20 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

**Our ref:** SO/2015/115085/01-L01  
**Your ref:** WS010004\_3261254  
**Date:** 29 July 2015

**Ms Hannah Pratt**

Dear Ms Pratt

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING  
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (AS  
AMENDED) – REGULATIONS 8 AND 9  
APPLICATION BY HYDRODEC RE-REFINING (UK) LIMITED FOR AN ORDER  
GRANTING DEVELOPMENT CONSENT  
SCOPING CONSULTATION AND NOTIFICATION OF THE APPLICANT'S  
CONTACT DETAILS AND DUTY TO MAKE AVAILABLE INFORMATION TO THE  
APPLICANT IF REQUESTED  
HYDRODEC OIL RE-REFINERY, EASTHAM, WIRRAL**

Thank you for sending the above consultation which was received in this office 1<sup>st</sup> July 2015.

We have reviewed the Scoping Report (MJCA, Report Reference: HYD/EA/LH/6193/01SCOPING, June 2015) and concur with the proposed scope for the Environmental Statement including the topics identified for assessment.

We would take this opportunity to provide the following comments;

Under the Environmental Permitting (England and Wales) Regulations 2010 (as amended) and The Environmental Permitting (England and Wales) (Amendment) Regulations 2013 permitted sites should not cause harm to human health or pollution of the environment. The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health, the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property. If this is not included with a permit application then it is likely that we would reject any application received for an Environmental Permit under these Regulations.

The Permit will control activities, emissions and processes on the site. The Permit application will have to demonstrate that people and the environment will be protected from these activities and emissions. Mitigation is likely to be required to control:

Environment Agency  
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

- Odour
- Process effluent
- Emissions to all media (including but not limited to air, land, water, waste, sewer)
- Particular attention shall include but not be limited to; the process, emissions and their control, and all materials to be held on site.

We will not be able to issue a permit until this information has been provided and/or demonstrated. Further information can be found at

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).

Further information on how to control emissions from Hazardous Waste Sector processes can be found under the Environmental Permitting pages of the Business and Industry section of our website, above.

The COMAH regulations are enforced by the Competent Authority (CA). The CA comprises the Health and Safety Executive (HSE) and the relevant environmental regulator: the Environment Agency (EA) in England, acting jointly.

From the EA perspective, acting as part of the COMAH Competent Authority, it is noted from the project proposal that the operation would fall within the current scope of the COMAH Regulations.

Operators who come within scope of the Regulations, prior to the start of construction of the COMAH establishment, must submit a notification (prescribed information) to the Competent Authority. Further information on these requirements and additional duties placed on the operator can be found at

<http://www.hse.gov.uk/Comah/notification/index.htm#requirements>

Where complex development proposals require both planning and permit consents we advise the relevant applications are parallel tracked. Parallel tracking enables decision makers to;

- Consider the results of permitting assessments during the planning process.
- Feed permitting requirements into the design and layout of the development before planning permission is granted.

Should you wish to discuss any of the above points in more detail please do not hesitate to contact this office.

Yours sincerely

**Mr Stephen Sayce**  
**Sustainable Places Planning Advisor**

Direct dial 01925 542518

Direct fax N/A

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

End

**From:** [Alan Slee](#)  
**To:** [Environmental Services](#)  
**Subject:** RE: Reference: PE128268. Plant Not Affected Notice from ES Pipelines  
**Date:** 13 July 2015 11:38:44

---

Hi Hannah,

For the purposes of the consultation all of the 5 companies set out below are represented by and fall under the auspices of ESP Utilities Group Limited.

Regards,

**Alan Slee**  
Operations Manager

DD 01372 227567  
Mobile 07766 802070  
Fax 01372 386203  
[www.esutilities.com](http://www.esutilities.com)

---

**From:** Environmental Services [<mailto:environmentalservices@pins.gsi.gov.uk>]  
**Sent:** 13 July 2015 11:27  
**To:** Alan Slee  
**Subject:** RE: Reference: PE128268. Plant Not Affected Notice from ES Pipelines

Dear Alan

Thank you for your email. I note that you have responded on behalf of ESP Gas Group Ltd whom we did not directly consult. We did however consult with:

- E S Pipelines Limited
- ESP Electricity Limited
- ESP Connections Limited
- ESP Networks Limited
- ESP Pipelines Limited

I understand from previous correspondence you have had with my colleague that ESP Gas Group Ltd has been renamed ESP Utilities Group Limited and consists of the above companies. Therefore, for the purposes of clarity when sending on your comments to the applicant, please could you confirm which of the above bodies you are representing in responding to this consultation?

Kind regards  
Hannah

---

**From:** ESP Utilities Group [<mailto:donotreply@espipelines.com>]  
**Sent:** 08 July 2015 14:19  
**To:** Environmental Services  
**Subject:** Reference: PE128268. Plant Not Affected Notice from ES Pipelines

Hydrodec Re-refining (UK) Limited  
Baddesley Colliery Offices  
Main Road  
Atherstone  
Warwickshire  
CV9 2LE

8 July 2015

Reference: PROJECT REFERENCE WS010004

Dear Sir/Madam,

Thank you for your recent plant enquiry at: Power House Road, Eastham, Port Wirral, Merseyside

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

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

**Important Notice**

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

Yours faithfully,

Alan Slee  
**Operations Manager**



Hazeldean,  
Station Road,  
Leatherhead

KT22 7AA

☎ 01372 227560 📄 01372 377996

[MAP](#)

<http://www.esutilities.com>

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Hazeldean,  
Station Road,  
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KT22 7AA

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<http://www.esutilities.com>

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FAO Hannah Pratt  
The Planning Inspectorate  
3/18 Eagle Wing,  
Temple Quay House  
2 The Square, Bristol  
BS1 6PN

HID Policy - Land Use planning  
NSIP Consultations  
Building 2.2  
Redgrave Court  
Merton Road  
Bootle  
Merseyside  
L20 7HS  
email: [NSIP.applications@hse.gsi.gov.uk](mailto:NSIP.applications@hse.gsi.gov.uk)

Dear Ms Pratt

Date 28 July 2015  
Your ref: WS010004\_3261254

**PROPOSED HYDRODEC OIL RE-REFINERY (the project)  
PROPOSAL BY HYDRODEC RE-REFINING (UK) LIMITED (the applicant)  
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS  
2009 (as amended) – Regulations 8 and 9**

Thank you for your e-mail of 1<sup>st</sup> July 2015 regarding the information to be provided in an environmental statement relating to the above project.

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

**HSE's land use planning advice**

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

The proposed project scope is the construction and operation of a used oil re-refining plant together with associated and ancillary development.

From the information and figures provided in the Scoping Report (the Report), HSE has identified that the proposed development falls within the Middle Consultation Zone of NuStar (Eastham) Ltd, Eastham, Wirral, CH62 0BA (HSE H0847). As described in the Applicants report the proposed development meets the PADHI (Planning Advice for Developments near Hazardous Installations) criteria for a Development Type (DT) 1.1 Workplace (standard) development type. HSE does not advise against proposals of this development type in a Middle Consultation Zone.

According to HSE records the proposed development does not fall within any Major Accident Hazard Pipeline consultation zones.

Hazardous Substance Consent

Owing to the inherent nature of the proposed development (Waste Oil Re-Refinery) in addition to a Development Consent Order the site is required to apply to Wirral Metropolitan Borough Council (Hazardous Substances Authority) for Hazardous Substances Consent. We note that Paragraph 3.22 of the Report states that the Applicant has already entered into Hazardous Substances Consent pre-Application discussions with both Wirral Council and HSE (Statutory Consultee).

### Explosives sites

As there are no licensed explosive sites in the vicinity of the above scoping request, we have no comment to make in this regard.

### Pipelines

Paragraph 3.14 of the Report states "One of the pipe bridges will be constructed across Power House Road to the adjoining NuStar terminal as a significant amount of the feedstock for the plant will be delivered to the site from the NuStar depot". There is no mention of the Pipelines Safety Regulations 1996 (PSR) in paragraph 3.22. This is of concern as the proposed pipe bridge to NuStar that crosses the (public) Powerhouse Road will be carrying pipelines as defined by PSR - see <http://www.hse.gov.uk/pipelines/index.htm>

There is no mention of the Gas Safety (Management) Regulations 1996 (GS(M)R) in paragraph 3.22 of the Report. This is of minimal concern as it is likely that the fuel gas will be supplied direct from the National Grid Gas system in the area so there are unlikely to be any duties on Hydrodec under GS(M)R, although Hydrodec should satisfy itself in this regard.

### Electrical Safety

The project involves connections to electrical power distribution systems and has an impact on the existing generation, transmission and distribution assets on the UK mainland. In the light of that, HSE offers the following comments:

As well as satisfying general health and safety legislation (i.e. the Health and Safety at Work etc. Act 1974 and supporting regulations), the proposed design and future operations must comply with the Electricity at Work Regulations 1989 and the Electricity, Safety, Continuity and Quality Regulations 2002 as amended. Generators, distributors, their contractors and others have defined duties in order to protect members of the public from the dangers posed by the electrical equipment used. HSE enforces the safety aspects of these regulations. If you have any doubts about the particular application of these regulations in terms of either the operation or construction of generators, substations, overhead lines or underground cables please contact Mr J C Steed, Principle Specialist Electrical Inspector, either at [john.steed@hse.gsi.gov.uk](mailto:john.steed@hse.gsi.gov.uk) or Rose Court GSW, 2 Southwark Bridge Road, London, SE1 9HS.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to Mr Dave Adams (MHPD) at the above address

Yours sincerely,

Dave Adams  
HID Policy - Land Use Planning

**FAO Hannah Pratt – Senior EIA and Land Rights Advisor**

The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

28<sup>th</sup> July 2015

Dear Ms.Pratt

**Planning Act 2008 and The Infrastructure Planning (EIA) Regulations 2009  
Application for Development Consent Order for Hydrodec Oil Re-Refinery, Eastham,  
Wirral (Ref: WS010004\_3261254)**

Thank you for your notification letter dated 1<sup>st</sup> July 2015 in respect of the above.

I am writing on behalf of The Manchester Ship Canal Company (MSCC). The MSCC own and operate the Ship Canal and are a statutory undertaker and the harbour authority for the purposes of shipping and navigation.

Please be advised that we have reviewed the Scoping Report (June 2015) prepared by MJCA on behalf of Hydrodec Re-refining (UK) Limited and can confirm that in our opinion this represents a comprehensive appraisal of the issues to be included within the Environmental Statement.

We would like to take this opportunity to make a number of comments of relevance to the preparation of the Development Consent Order (DCO) application and the subsequent determination as follows:

1. The proposed oil re-refinery is entirely compatible as a use in the context of the long established petrochemical cluster centred around QEII Dock which includes NuStar and Eastham Refinery Ltd.
2. We can confirm that The Manchester Ship Canal Company have been granted planning permission for the relocation of MSCC Eastham to Bromborough Pool and further engagement with Sport England has taken place in the context of the wider playing field strategy within Wirral.
3. We can confirm that The Manchester Ship Canal Company are responsible for the management of the gated access on Bankfields Drive as referred to within Para. 2.6 of the MJCA Scoping Report.

**The Manchester Ship Canal  
Company Limited**  
Maritime Centre  
Port of Liverpool  
L21 1LA

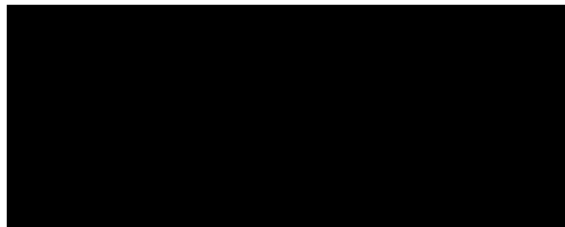
Tel: +44 (0)151 949 6000  
Fax: +44 (0)151 949 6001  
Email: [info@peelports.co.uk](mailto:info@peelports.co.uk)  
Website: [www.peelports.co.uk](http://www.peelports.co.uk)

4. The application site is classified as “operational port land” and is allocated for such purposes within the statutory development plan for Wirral MBC. The Mersey Ports Master Plan (June 2011) allocates the subject site for port related purposes. Para. 3.2 of the MJCA Scoping Report usefully confirms a Planning Statement will be prepared to accompany the DCO application.
5. Para. 3.19 of the MJCA Scoping Report correctly cites the linkage between the proposed oil re-refinery and the adjacent NuStar storage facility.
6. Para. 4.15.1 of the National Policy Statement for Hazardous Waste confirms:

*"An oil regeneration plant will need to be of sufficient size to accommodate the necessary industrial process plant, extensive piping, chemical processing units and storage tanks. A location alongside an existing oil refinery (many of which are located at ports) could be an advantage)".*

Should you require any further information or clarification on any matter please do not hesitate to make contact.

Yours sincerely,



**Warren Marshall MRTPI CMILT**  
**Group Planning Director**

[warren.marshall@peelports.com](mailto:warren.marshall@peelports.com)

**The Manchester Ship Canal**  
**Company Limited**  
Maritime Centre  
Port of Liverpool  
L21 1LA

Tel: +44 (0)151 949 6000  
Fax: +44 (0)151 949 6001  
Email: [info@peelports.co.uk](mailto:info@peelports.co.uk)  
Website: [www.peelports.co.uk](http://www.peelports.co.uk)



Maritime &  
Coastguard  
Agency

Navigation Safety Branch  
Bay 2/20  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG

The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Tel: +44 (0)23 8032 9184  
Fax: +44 (0)23 8032 9104  
E-mail: [navigationsafety@mcga.gov.uk](mailto:navigationsafety@mcga.gov.uk)

Your ref: **WS010004\_3261254**  
Our ref:

7 July 2015

By email to: [environmentalservices@pins.gsi.gov.uk](mailto:environmentalservices@pins.gsi.gov.uk)

Dear Sir/Madam

### **Application by Hydrodec Re-refining (UK) Limited for an Order Granting Development Consent for the Hydrodec Oil Re-Refinery, Eastham Wirral**

Thank you for your letter dated 1st July 2015 inviting MCA to comment on the application for the proposed Oil Re-Refinery at Eastham, Wirral.

We are content that any navigational safety concerns can be addressed by suitably worded conditions in any consent at the formal application stage.

At this stage, MCA can only generalise and point the developers in the direction of the Port Marine Safety Code (PMSC). They will need to liaise and consult with the local Harbour Authority, in this case Peel Ports Group, to develop a robust Safety Management System (SMS) for the project under this code.

The sections that we feel cover navigational safety under the PMSC and its Guide to Good Practice are as follows:

From the Guide to Good Practice, section 6 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it. Section 6.7 Regulating harbour works covers this in more detail and have copied the extract below from the Guide to Good Practice.

#### 6.7 Regulating harbour works

6.7.1 Some harbour authorities have the powers to license works where they extend below the high watermark, and are thus liable to have an effect on navigation. Such powers do not, however, usually extend to developments on the foreshore.



6.7.2 Some harbour authorities are statutory consultees for planning applications, as a function of owning the seabed, and thus being the adjacent landowner. Where this is not the case, harbour authorities should be alert to developments on shore that could adversely affect the safety of navigation. Where necessary, consideration should be given to requiring the planning applicants to conduct a risk assessment in order to establish that the safety of navigation is not about to be put at risk. Examples of where navigation could be so affected include:

- high constructions, which inhibit line of sight of microwave transmissions, or the performance of port radar, or interfere with the line of sight of aids to navigation;
- high constructions, which potentially affect wind patterns; and
- lighting of a shore development in such a manner that the night vision of mariners is impeded, or that navigation lights, either ashore and onboard vessels are masked, or made less conspicuous.

There is a British Standards Institution publication on Road Lighting, BS5489. Part 8 relates to a code of practice for lighting which may affect the safe use of aerodromes, railways, harbours and navigable Inland waterways.

In addition, the developers should consult with the local navigation authority/Harbour Authority to discuss what impact the proposed work will have on oil spill risk and pollution mitigation measures. The relevant oil spill contingency plans will need to be amended to reflect the additional risk.

Yours faithfully

Helen Croxson  
Navigation Safety Branch

SUBMITTED VIA EMAIL TO:  
[environmentalservices@pins.gsi.gov.uk](mailto:environmentalservices@pins.gsi.gov.uk)

**Land and Development Group**

Laura Kelly  
Town Planner  
Network Engineering  
Laura.kelly@nationalgrid.com  
Direct tel: +44 (0)1926 654686

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

06 July 2015

Your Ref: WS010004\_3261254

Dear Sir/Madam,

**Application by Hydrodec Re-refining (UK) Limited for an Order Granting Development Consent for the HydrodecOil Re-Refinery, Eastham, Wirral**

This is a response on behalf of National Grid Gas plc (NGG) I refer to your letter dated 1<sup>st</sup> July 2015 regarding the above proposed application. Having reviewed the consultation documents, I would like to make the following comments:

**National Grid Infrastructure within or in close proximity to the Proposed Order Limits**

**National Grid Electricity Transmission**

National Grid Electricity Transmission has no apparatus located within the Order limits.

**National Grid Gas Transmission**

National Grid Gas has no national high pressure gas transmission pipelines located within the Order limits.

**National Grid Gas Distribution**

In addition, National Grid Gas has the following gas distribution pipelines located within or in close proximity to the proposed order limits:

- Low Pressure
- Medium Pressure

**Specific Comments – Gas Infrastructure**

The following points should be taken into consideration:

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

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

<http://www2.nationalgrid.com/uk/Safety/library/>

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>

Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.



- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.
- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Consent is required for any crossing of the easement

## **Further Advice**

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

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

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

**National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following address:**

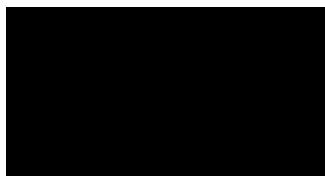
**The Company Secretary**  
**1-3 The Strand**  
**London**  
**WC2N 5EH**

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

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

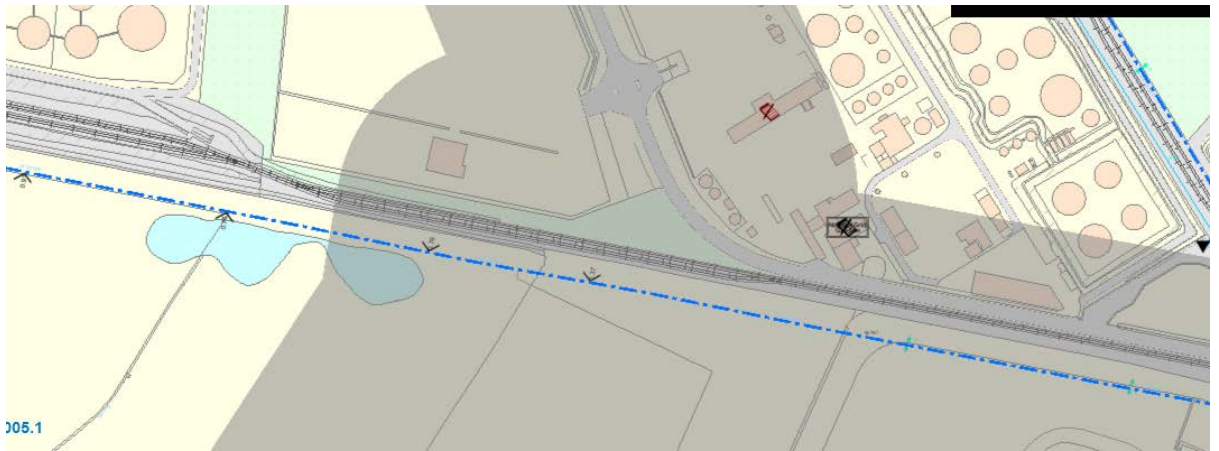
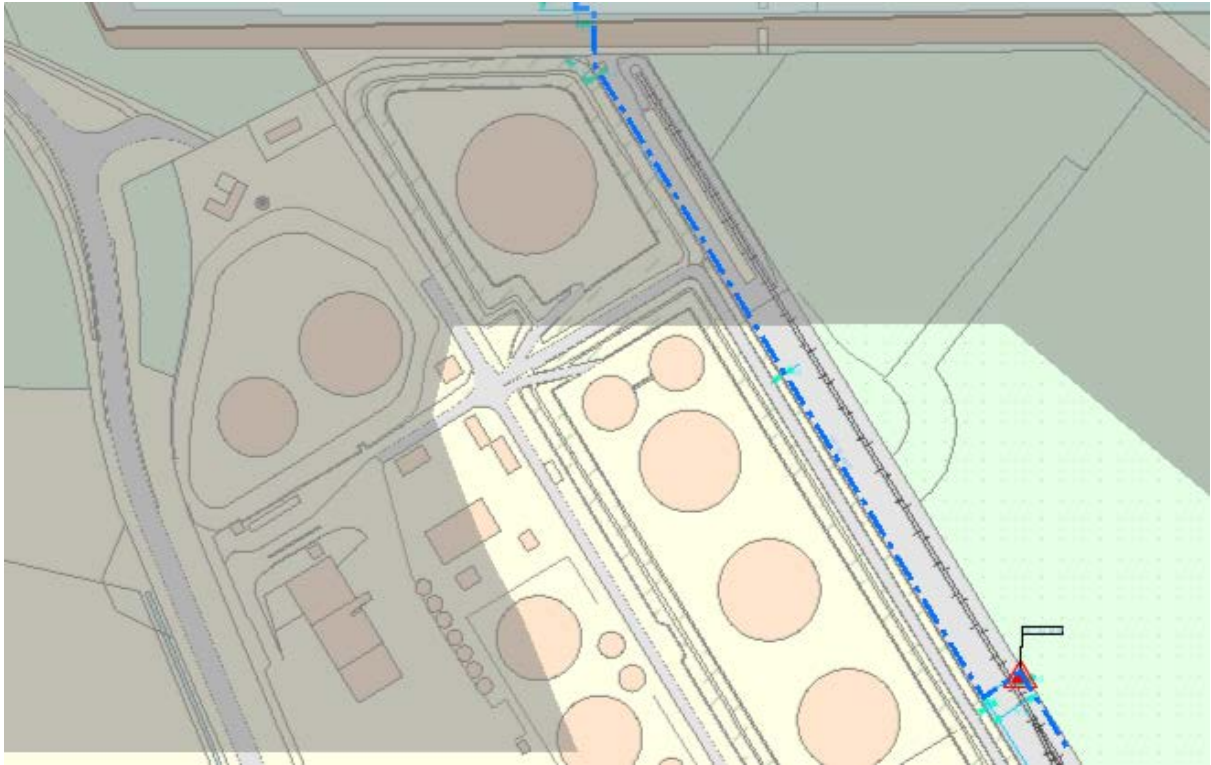
I hope the above information is useful. If you require any further information please do not hesitate to contact me.

Yours sincerely



**Laura Kelly**

(Submitted Electronically)





**From:** [ROSSI, Sacha](#)  
**To:** [Environmental Services](#)  
**Cc:** [NATS Safeguarding](#)  
**Subject:** RE: WS010004 – Hydrodec Oil Re-refinery –EIA Scoping Notification and Consultation and Reg 9 Notification  
**Date:** 15 July 2015 16:16:19

---

Dear Sir/Madam,

NATS anticipates no impact from the development and has no comments to make on the Scoping Request.

Regards  
S. Rossi

**Mr Sacha Rossi**  
ATC Systems Safeguarding Engineer

☎: 01489 444 205  
✉: [sacha.rossi@nats.co.uk](mailto:sacha.rossi@nats.co.uk)

NATS Safeguarding  
4000 Parkway,  
Whiteley, PO15 7FL

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

---

**From:** Environmental Services [<mailto:environmentalservices@pins.gsi.gov.uk>]  
**Sent:** 01 July 2015 13:16  
**To:** NATS Safeguarding  
**Subject:** WS010004 – Hydrodec Oil Re-refinery –EIA Scoping Notification and Consultation and Reg 9 Notification

Dear Sir/Madam

Please see the following hyperlink to correspondence on the proposed Hydrodec Oil Re-refinery project.

[http://infrastructure.planningportal.gov.uk/wp-content/uploads/2015/07/WS010004\\_Letter-to-stat-cons\\_Scoping-AND-Reg-9-Notification.pdf](http://infrastructure.planningportal.gov.uk/wp-content/uploads/2015/07/WS010004_Letter-to-stat-cons_Scoping-AND-Reg-9-Notification.pdf)

Please note the deadline for consultation responses is **29 July 2015**, and is a statutory requirement that cannot be extended.

Kind regards,

Hannah Pratt  
Senior EIA and Land Rights Advisor

\*\*\*\*\*  
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Date: 28 July 2015  
Our ref: 158453  
Your ref: WS010004\_3261254



Hannah Pratt  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
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BS1 6PN

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

T 0300 060 3900

**BY EMAIL ONLY**

Dear Ms Pratt,

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9  
Proposed Hydrodec Oil Re-Refinery, Eastham, Wirral (the project)  
Hydrodec Re-refining (UK) Limited (the developer)**

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 01 July 2015.

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

Case law<sup>1</sup> and guidance<sup>2</sup> has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission.

**Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)**

The scoping report has correctly identified a number of nationally and internationally designated sites in the vicinity of the proposal.

Further information on the SSSIs can be found at [www.magic.gov](http://www.magic.gov). The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

Natura 2000 network site conservation objectives are available on our internet site [here](#)

Natural England agree with paragraphs 8.8 – 8.10 of the scoping report that a Habitat Regulations Assessment (HRA) will need to be undertaken. The evidence that is collected to inform this assessment needs to be sufficient to demonstrate either no likely significant effect taking account of

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

<sup>2</sup> *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from

<http://webarchive.nationalarchives.gov.uk/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>



any proposed avoidance measures, or after a more detailed appropriate assessment and consideration of proposed mitigation measures that the project will have no adverse effect on site integrity.

Within the HRA consideration also needs to be given to the in combination effects with other plans and projects (if it can be determined that the project itself would not result in likely significant effect).

The following need to be considered:

- The incomplete or non-implemented parts of plans or projects that have already commenced;
- Plans or projects given consent or given effect but not yet started.
- Plans or projects currently subject to an application for consent or proposed to be given effect;
- Projects that are the subject of an outstanding appeal;
- Ongoing plans or projects that are the subject of regular review.
- Any draft plans being prepared by any public body;
- Any proposed plans or projects published for consultation prior to the application

Natural England has considered the Environmental Impact Assessment (EIA) scoping report (MJCA, June 2015) and our comments are as follows:

1. Overall, we are satisfied that the environmental topics listed in paragraph 4.2 of the scoping report are those that need to be addressed and reported upon.
2. We are pleased to note that paragraph 2.8 recognises the proximity of the proposal site to the Mersey Estuary SSSI, SPA and Ramsar site.
3. The Mersey Estuary is designated for non-breeding (on passage and overwintering) water birds and waders. The proposal has the potential to displace and disturb designated birds. Paragraph 8.2 states that wintering bird surveys during October 2014 to March 2015 inclusive have been undertaken, with single visits in November and December and twice monthly visits in October, January, February and March. Natural England advise undertaking twice monthly visits from September to May inclusive as to include on passage periods. It is recommended that the Scottish Natural Heritage (SNH) guidance: Recommended bird survey methods to inform impact assessment of onshore wind farms, May 2014 SNH guidance (<http://www.snh.gov.uk/docs/C278917.pdf>) is followed. This guidance whilst primarily used for wind farms, does recognise that vantage point surveys provides useful information and overview of bird usage of a site specifically in relation to potential disturbance and displacement (see page 14).
4. The 'Noise and vibration' chapter (paragraph 10.1) acknowledges that site preparation, construction and operational activities need to be assessed with regards to protected habitats. Natural England advises that any activities where noise or vibration could impact on designated birds, for example piling, are undertaken outside of the on passage/overwintering period. If there are no alternatives and these activities have to be undertaken in the on passage/overwintering period, there are several techniques available to reduce the impacts.
5. The scoping report chapter on 'Land Quality, water resources and flood risk' states that 'the likely impact of the development during the construction and operational phases will be considered by assessing the 'pollutant linkage'; that is the source, pathway and receptor of potential future pollution'. As the Manchester Ship Canal has a sluice gate into the Mersey Estuary, potential impacts on the Mersey Estuary need to be considered.
6. Natural England are pleased to note that a Construction Environmental Management Plan



(CEMP) will be included within the submitted documents for the application.

7. The Air Quality chapter states that consideration will be given to any changes in nutrient nitrogen or acid deposition at sensitive ecological receptors in the area and that the assessment will ensure that the overall in-combination effect of the proposed process with other local sources will be considered (paragraph 11.11). However, no distance criteria has been provided for which designated sites will be scoped into the assessment. Please note that the usual distances required are:

- Special Protection Areas (SPAs), Special Areas of Conservation (SACs) or Ramsar sites within 10km of the installation (or 15km coal- or oil-fired power station)
- Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Local Nature Reserves (LNRs), local wildlife sites and ancient woodland within 2km of the location of the installation

(H1 Annex F Air Emmissions, v2.2 December 2011)

Air pollution effects on biodiversity must be considered separately from effects on human health in the assessment. Please note that the critical loads and levels for assessing impacts on ecological features may be different from the critical loads and levels for human health.

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](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

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

We note that ecological survey work has been undertaken (paragraph 8.2). The EIA should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

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

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

9. Other features of nature conservation interest e.g. habitats and species identified within the UK and Local Biodiversity Action Plans.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish

whether any scarce or priority species are present. The Environmental Statement should include details of:

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

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

10. The scoping report identifies one Local Wildlife Site, Eastham Country Park, which is also a Site of Biological Importance (SBI) (paragraph 2.7). The SBI is also listed on the ancient woodland inventory as Sales Woods. The Environmental Statement should therefore include an assessment of the likely impacts on the aforementioned sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures.
11. Landscape and Visual Impact – The proposed development does not lie within or close to any nationally designated landscapes. However, the scoping report (chapter 6: Landscape and visibility) states that landscape and visual impacts will be considered as part of the EIA, which we welcome, based on established best practice.
12. Cumulative effects - The EIA should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The types of projects should be included in such an assessment, (subject to available information):
  - a. Existing completed projects;
  - b. Approved but uncompleted projects;
  - c. Ongoing activities;
  - d. Plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
  - e. Plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

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

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Kathryn Kelsall on 0300 060 4342. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

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

Yours sincerely

Miss Kathryn Kelsall  
Cheshire, Greater Manchester, Merseyside and Lancashire Area Team



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England

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BS1 6PN

Your Ref: WS010004\_32612543/18

Our Ref: 29150107

FAO:- Hannah Pratt

22<sup>nd</sup> July 2015

Dear Hannah,

**Re: Scoping Consultation  
Application for an Order Granting Development Consent for the  
proposed Hydrodec Re-refining (UK) Limited, Eastham, Port Wirral,  
Merseyside.**

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

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

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

using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF). The proposer should confirm either that the proposed development does include or impact upon any potential sources of EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES.

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

Yours sincerely,



Dr Rajinder Pnaiser  
Environmental Public Health Scientist

[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

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

## **Appendix: PHE recommendations regarding the scoping document**

### **General approach**

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA<sup>1</sup>. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

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

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES<sup>2</sup>.

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

### **Receptors**

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

---

<sup>1</sup> Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from:

<http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

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

## **Impacts arising from construction and decommissioning**

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

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

## **Emissions to air and water**

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

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

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

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

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

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

### *Additional points specific to emissions to air*

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

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

### *Additional points specific to emissions to water*

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

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

## **Land quality**

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

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the



migration of material off-site should be assessed<sup>3</sup> and the potential impact on nearby receptors and control and mitigation measures should be outlined.

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

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

## **Waste**

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

For wastes arising from the installation the EIA should consider:

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

## **Other aspects**

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

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

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

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>4</sup>, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

### **Electromagnetic fields (EMF) [include for installations with associated substations and/or power lines]**

There is a potential health impact associated with the electric and magnetic fields around substations and the connecting cables or lines. The following information provides a framework for considering the potential health impact.

In March 2004, the National Radiological Protection Board, NRPB (now part of PHE), published advice on limiting public exposure to electromagnetic fields. The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP):-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Abisd1502/>

The ICNIRP guidelines are based on the avoidance of known adverse effects of exposure to electromagnetic fields (EMF) at frequencies up to 300 GHz (gigahertz), which includes static magnetic fields and 50 Hz electric and magnetic fields associated with electricity transmission.

PHE notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

[http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH\\_4089500](http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500)

For static magnetic fields, the latest ICNIRP guidelines (2009) recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT as advised by the International Electrotechnical Commission.

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

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively  $5 \text{ kV m}^{-1}$  (kilovolts per metre) and  $100 \text{ } \mu\text{T}$  (microtesla). If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. Further clarification on advice on exposure guidelines for 50 Hz electric and magnetic fields is provided in the following note on the HPA website:

[http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/InformationSheets/info\\_IcnirpExpGuidelines/](http://webarchive.nationalarchives.gov.uk/20140714084352/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/InformationSheets/info_IcnirpExpGuidelines/)

The Department of Energy and Climate Change has also published voluntary code of practices which set out key principles for complying with the ICNIRP guidelines for the industry.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf)

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE) was then set up to take this recommendation forward, explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government. In the First Interim Assessment of the Group, consideration was given to mitigation options such as the 'corridor option' near power lines, and optimal phasing to reduce electric and magnetic fields. A Second Interim Assessment addresses electricity distribution systems up to 66 kV. The SAGE reports can be found at the following link:

<http://sagedialogue.org.uk/> (go to “Document Index” and Scroll to SAGE/Formal reports with recommendations)

The Agency has given advice to Health Ministers on the First Interim Assessment of SAGE regarding precautionary approaches to ELF EMFs and specifically regarding power lines and property, wiring and electrical equipment in homes:

[http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice\\_sage/](http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage/)

The evidence to date suggests that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline levels. The scientific evidence, as reviewed by PHE, supports the view that precautionary measures should address solely the possible association with childhood leukaemia and not other more speculative health effects. The measures should be proportionate in that overall benefits outweigh the fiscal and social costs, have a convincing evidence base to show that they will be successful in reducing exposure, and be effective in providing reassurance to the public.

The Government response to the First SAGE Interim Assessment is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16<sup>th</sup> October 2009:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091016/wmstext/91016m0001.htm>

[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_107124](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124)

HPA and Government responses to the Second Interim Assessment of SAGE are available at the following links:

[http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice\\_sage2/](http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2/)

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_130703](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130703)

The above information provides a framework for considering the health impact associated with the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

**Liaison with other stakeholders, comments should be sought from:**

- the local authority for matters relating to noise, odour, vermin and dust nuisance

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

### **Environmental Permitting**

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

## Annex 1

### Human health risk assessment (chemical pollutants)

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

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach<sup>5</sup> is used

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

**From:** [Margaret.Ketteridge@gtc-uk.co.uk](mailto:Margaret.Ketteridge@gtc-uk.co.uk)  
**To:** [Environmental Services](#)  
**Subject:** WS010004\_3261254  
**Date:** 03 July 2015 11:44:51

---

Dear Sirs

With reference to the above I can confirm that the following have no comments to make at this moment in time.

Quadrant Pipelines Limited  
Independent Power Networks Limited  
The Electricity Network Company Limited  
GTC Pipelines Limited  
Independent Pipelines Limited

Kind Regards

Maggie

Maggie Ketteridge  
*Engineering Support Officer*  
GTC  
Energy House  
Woolpit Business Park  
Woolpit  
Bury St Edmunds  
Suffolk, IP30 9UP  
Tel: 01359 245406  
Fax: 01359 243377  
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This E-Mail originates from GTC, Energy House, Woolpit Business Park, Woolpit, Bury St Edmunds, Suffolk, IP30 9UP

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**Miss Lynne Poulton  
Planning Officer  
Sefton Council  
Magdalen House  
30 Trinity Road  
Bootle L20 3NJ**

Ms Hannah Pratt  
The Planning Inspectorate  
3-18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Telephone: 0151 934 2204  
Email: [planning.department@sefton.gov.uk](mailto:planning.department@sefton.gov.uk)  
Date: 6th July 2015  
Our Ref: DC/2015/01145

Dear Ms Pratt

Hydrodec Oil Re-Refinery, Eastham, Wirral  
Proposals for the approach to and scope of an Environmental Impact Assessment to accompany an application for a Development Consent Order under the Planning Act 2008 (as amended) for the proposed waste oil re-refinery at Eastham Port, Wirral

Thank you for your application. I am the person dealing with your application, my contact details are at the top of this letter. You can track progress of your application on our website at [www.sefton.gov.uk/planapps](http://www.sefton.gov.uk/planapps).

Yours sincerely

*Miss Lynne Poulton*

Planning Officer



**From:** [Alison Truman](#)  
**To:** [Environmental Services](#)  
**Subject:** WS010004 Hydrodec Oil Re-refinery, Eastham, Wirral  
**Date:** 03 July 2015 11:00:59

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FAO Hannah Pratt

Thank you for your letter dated 1 July 2015.

I can confirm that the Canal & River Trust has no comments to make on the Environmental Impact Assessment Scoping for this project.

Regards,

**Alison Truman**

Area Planner (North West & North Wales)

**Canal & River Trust**

Waterside House, Waterside Drive, Wigan WN3 5AZ

**T.** 01942 405774      **M.** 07917 898333

Cynlluniwr Ardal (Gogledd Orllewin a Gogledd Cymru),

**Glandŵr Cymru**

Waterside House, Waterside Drive, Wigan WN3 5AZ

**Ff.** 01942 405774      **S.** 07917 898333

[alison.truman@canalrivertrust.org.uk](mailto:alison.truman@canalrivertrust.org.uk)    [www.canalrivertrust.org.uk](http://www.canalrivertrust.org.uk)

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The Canal & River Trust is a new charity entrusted with the care of 2,000 miles of waterways in England and Wales. Get involved, join us - Visit / Donate / Volunteer at [www.canalrivertrust.org.uk](http://www.canalrivertrust.org.uk) - Sign up for our newsletter at [www.canalrivertrust.org.uk/newsletter](http://www.canalrivertrust.org.uk/newsletter)

Canal & River Trust is a charitable company limited by guarantee registered in England & Wales with company number 7807276 and charity number 1146792. Registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB.

Elusen newydd yw Glandŵr Cymru sy'n gofalu am 2,000 o filltiroedd o ddyfrffyrdd yng Nghymru a Lloegr. Cymerwch ran, ymunwch â ni - Ewch i Rhoddion a Gwirfoddoli yn [www.glandwrcymru.org.uk](http://www.glandwrcymru.org.uk)

Mae Glandŵr Cymru yn gwmni cyfyngedig drwy warant a gofrestrwyd yng Nghymru a Lloegr gyda rhif cwmni 7807276 a rhif elusen gofrestredig 1146792. Swyddfa gofrestredig: First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB.

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Date 28th July 3

To The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

your ref    WS010004\_3261254  
please ask   Jo Storey  
service    Development Management  
tel direct   0151 691 8674  
fax        (0151) 691 8674  
email      joannestorey@wirral.gov.uk

Dear Sir/Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9  
Application by Hydrodec Re-refining (UK) Limited for an Order Granting Development Consent for the Hydrodec Oil Re-Refinery, Eastham, Wirral**

As a consultee for the above, I hereby have the following comments to make:-

**EIA Scoping.**

Our comments will focus on the general approach proposed and to matters within our core technical remit. The Council should seek advice from its other technical advisers where appropriate.

Having reviewed the Scoping Report, I can confirm that we are generally content that the outline that it provides of the structure and content of the Environmental Statement (ES) to be submitted should satisfy the requirements of the EIA Regulations 2011, as set out in Schedule 4. We are content that the range of topic areas to be included appears comprehensive.

In producing the ES, the applicant should ensure that appropriately skilled and experienced professionals undertake the work and that appropriate methods conforming to recognised good practice are used. We advise that the applicant take account of the following in producing and presenting the project in the ES in order for it to be acceptable:

- ensure that appropriate evaluation is undertaken and presented of effects arising from construction and operational phases of the project;
- provide an appropriately detailed description of the project. The scoping document provides information on the physical scale of development and its layout and the scale and nature of the processes it is intended to house. This information needs to be presented in an appropriately detailed form in the ES as a critical component of the baseline information;
- the two-phase nature of the development requires adequate coverage throughout the environmental statement in order that the effects of a second phase of construction occurring alongside an operational first phase of development can be properly understood.

### **Habitats Regulations Assessment.**

Although this consultation is in respect of scoping for EIA, it is considered useful here to also re-iterate our view that the proposal will require a Habitats Regulations Assessment to be conducted due to its nature, scale and proximity to European protected sites. We are aware that the Planning Inspectorate is now the competent authority for HRA for the scheme and we offer the following suggestions as to information that it might require to enable Habitats Regulation Assessment to be carried out:

- A summary of the project, including why it is needed and its aims;
- Details of the site as it currently exists;
- Detailed plans including; the total area, areas of site compounds, transport routes and the precise location(s) of proposed work;
- Detailed method statement(s) setting out; what work will be done, when (an indication of the time of year and how long work will take), how the work will be undertaken, if there will be any emissions (such as to water, air, disposal to land) and any transport requirements to the site;
- Details of the materials, machinery and equipment to be used;
- Details of any possible future operation/maintenance requirements;
- Ecological data as set out in Chapter 11.

This information might normally be found within an ES as a matter of course, but it would be helpful if it was appropriately signposted in the document for ease of reference.

### **Ecology**

There is a proposed chapter covering Nature Conservation and Biodiversity. The ES should be undertaken in line with CIEEM guidelines for Ecological Impact Assessment (EclA). Other points to note include:

- In terms of baseline analysis, the proposed survey work is acceptable provided a full year's bird survey is included;
- The other aspect is an assessment of bat roost potential and any further bat surveys that may subsequently be required to fully evaluate this (particularly relevant if there are existing structures on site to be demolished/refurbished and also if any mature trees would be affected by the proposals);
- If the Phase 1 habitat survey and/or desk-top study indicate that other protected species may be present, then those surveys will need to be undertaken and be submitted with the application; and
- Impact of lighting also needs to be considered on the Mersey Estuary and on bats.

### **Historic Environment**

Proposals for coverage of Heritage and Archaeology are broadly appropriate. Please note that Merseyside EAS now operates the Historic Environment Record (HER) for Merseyside and is able to assist with local data searches for heritage features. We are pleased to note that the applicant has consulted the HER in compiling baseline information to support the assessment.

### **Waste**

The former Scoping Report proposed acceptable content and approach to the coverage of waste. This emphasis appears to have been lost in the current Scoping document and waste is not included in the list of topics 'scoped in' in para 4.2. This is surprising as the project is for a substantial development which will generate large quantities of waste during its construction phase and which has as its principal objective the reprocessing of waste materials. The ES therefore needs to consider issues related to the management of waste, including within its policy analysis section, which should take appropriate account of the adopted joint Waste Local Plan for Merseyside.

The ES should to present an appraisal of the scheme against the policies in the Waste Local Plan in Chapter 5, covering policy considerations, and also then use that to inform other parts of the ES, particularly Chapter 19, as necessary.

### **Odour**

Whilst odour on permitted activities would be regulated by the Environment Agency I am pleased to note that odour and its abatement is being considered. This is particularly important since the main odours associated with refineries are sulphur compounds such as hydrogen sulphide which may have an impact on the amenity of the area.

The document shows that, generally, areas of concern to Environmental Health will be addressed in the Environmental Statement. Areas of particular interest include air quality, odour, noise, lighting, contaminated land and noise.

Specific additional elements which we feel should be considered within these areas are:

- Noise associated with additional shipping movements and cargo transfers at Queen Elizabeth II docks
- Air Quality effects of additional shipping movements and cargo transfers at Queen Elizabeth II docks
- Consideration of the need for additional Air Quality monitoring to provide baseline / ongoing data
- Effect of development on insects of nuisance / potential public health concern

### **Air Quality**

Whilst the re-refining process will be subject to an Environment Permit under the Environmental Permitting Regulations, the Local Authority must consider Air Quality in terms of Local Air Quality Management (LAQM). I am pleased to note that Air Quality will be examined in detail. The emissions from such a site are wide ranging given the type of process being undertaken on site, however of particular concern is the mention of dioxins and furans, given the potentially significant health effects.

The report states that dispersion modelling will be undertaken, which will form part of a detailed Air Quality Assessment. Dispersion modelling e.g. ADMS requires accurate baseline data to ensure validation of any modelling undertaken.

Currently the Local Authority undertakes NO<sub>x</sub> monitoring (3 sites in Eastham itself) and Benzene monitoring (1 site in Eastham), to assist in our Local Air Quality Management duties. Data from these points may not, on their own, provide sufficient baseline data. In our view the Environment Statement should address the issue of whether available data is sufficient to validate Air Quality conclusions, and whether further monitoring may need to be undertaken by the developer to validate the Air Quality Assessment process. It may also be appropriate for continuous monitoring to be undertaken in addition to the monitoring undertaken as part of any EA permit.

A dust management plan is also important in terms of particulate matter monitoring and mitigation, both at construction and operational stages. It is assumed that mitigation measure will be discussed as part of their Air Quality assessment.

In our view any Air Quality impact associated with additional shipping movements at Queen Elizabeth II docks should also be considered.

### **Odour**

Whilst odour on permitted activities would be regulated by the Environment Agency I am pleased to note that odour and it's abatement is being considered. This is particularly important since the main odours associated with refineries are sulphur compounds such as hydrogen sulphide which may have an impact on the amenity of the area.

### **Lighting**

Lighting has been addressed in the report which is important as illumination for security and safe movement may be required in areas nearest residential accommodation

### **Insects**

It is recommended that the effect the proposed development on the availability of a favourable habitat for insects which may cause nuisance and affect amenity. (Potential vectors for disease near port areas may also be relevant given the proximity of the site to Queen Elizabeth II dock. [cf: International Health Regulations 2005 -Annex 5 para 4])

### **Contaminated Land**

The proposed studies are in line with what we would expect.

### **Noise**

The document identifies most noise sources of concern, including:

- Vehicular movement
- Plant
- Flare stack

The remaining concern is the indirect noise impact from additional ship movements at QEII Dock. Anticipated noise from such sources includes noise associated with cargo transfer as well as normal plant on board vessels and this should be considered.

Yours Faithfully

Jo Storey  
**Principle Planning Officer**