

The Lighthouse Green Fuels Order

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Statutory Nuisance Statement

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Abbreviations

Abbreviation	In full
AILs	Abnormal loads
AGI	Above Ground Infrastructure
APFP	The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009
BAT	Best Available Techniques
BATc	Best Available Techniques Conclusions
BAT-AELS	Best Available Techniques Associated Emission Levels
BRefs	Best Available Techniques Reference Documents.
CEMP	Construction Environmental Management Plan
Cd	Cadmium
CHP	Combined Heat and Power
CO	Carbon Monoxide
Cr(VI)	Chromium VI
CTMP	Construction Traffic Management Plan
CWTP	Construction Worker Travel Plan
dB(A)	The unit used to define a weighted sound pressure level, which correlates well with the subjective response to sound. The 'A' weighting follows the frequency response of the human ear, which is less sensitive to low and very high frequencies than it is to those in the range 500Hz to 4kHz. In some statistical descriptors the 'A' weighting forms part of a subscript, such as LA10, LA90, and LAeq for the 'A' weighted equivalent continuous noise level.
DCO	Development Consent Order
DEMP	Decommissioning Environmental Management Plan
DMP	Dust Management Plan
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
EIA	Environmental Impact Assessment
ELV	Emission Limit Values
EMS	Environmental Management System
EPA	Environmental Protection Act 1990
ES	Environmental Statement
HCl	Hydrogen chloride
HF	Hydrogen fluoride
Hg	Mercury

Abbreviation	In full
HGV	Heavy Good Vehicle
IAQM	Institute of Air Quality Management
IED	Industrial Emissions Directive
LAQM	Local Air Quality Management
LCP	Large Combustion Plant
LGF	Lighthouse Green Fuels
MW	Megawatt
MWe	Megawatts Electrical
NO _x	Oxides of Nitrogen
NH ₃	Ammonia
NRMM	Non-Road Mobile Machinery
NSIP	Nationally Significant Infrastructure Projects
NSR	Noise Sensitive Receptor
PA 2008	Planning Act 2008
PCDD/PCDF	Dioxins
PINS	Planning Inspectorate
PM	Particulate Matter
RCBC	Redcar and Cleveland Borough Council
SAF	Sustainable Aviation Fuel
SoS	Secretary of State
STBC	Stockton-on-Tees Borough Council
TI	Thallium

Executive Summary

- 1.1.1 LGF Projects Limited (The Applicant) is seeking development consent for the construction, operation and maintenance and decommissioning of a Sustainable Aviation Fuel (SAF) Production Facility in Teesside along with the pipeline infrastructure to allow the export of SAF product and the necessary utility connections.
- 1.1.2 This Statutory Nuisance Statement identifies the matters set out in Section 79(1) of the Environmental Protection Act 1990 (the EPA 1990) and considers whether the Proposed Development could cause statutory nuisance and how this would be mitigated. It has been prepared to comply with Regulation 5(2)(f) of The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the APFP Regulations) [Ref 2] which requires a statement setting out whether a proposed development could cause a statutory nuisance, pursuant to Section 79(1) of the EPA 1990. If such a nuisance could occur the statement must set out how the applicant proposes to mitigate or limit the effects.
- 1.1.3 Potential sources of statutory nuisance may include noise, artificial light, odours, , smoke, dust arising on premises, fumes and accumulations . Without appropriate embedded mitigation and controls, various types of potential nuisance could potentially result from the construction, operation, maintenance and eventual decommissioning of the Proposed Development.
- 1.1.4 However, through the embedded mitigation in place and the controls provided for, as presented within the technical chapters in Volume I of the Environmental Statement (ES) (**Application Document Ref. 6.1**), and secured through Requirements and within the **draft Development Consent Order (Application Document Ref. 3.1)**, it is expected that the Proposed Development is unlikely to give rise to any statutory nuisance under the EPA 1990. Therefore, it is appropriate to include within the Development Consent Order a provision for a defence against claims of statutory nuisance.

2 Introduction

2.1 Overview

- 2.1.1 This **Statutory Nuisance Statement (Application Ref. 5.5)** has been prepared by Ove Arup and Partners Limited (Arup) on behalf of LGF Projects Limited (the Applicant), to support an application (the Application) seeking development consent for the construction, operation, maintenance and decommissioning of the Lighthouse Green Fuels (LGF) project (the Proposed Development) on land within the administrative boundaries of Stockton-on-Tees Borough Council (STBC) and Redcar and Cleveland Borough Council (RCBC).
- 2.1.2 The Order limits for the Proposed Development are made up of the Main Site and Wider Site, together 'the Site'. A more detailed description of the Site is set out at section 2.4.
- 2.1.3 The Application has been submitted to the Planning Inspectorate (PINS), and the decision whether to grant a Development Consent Order (DCO) will be made by the Secretary of State (SoS) for Energy Security and Net Zero pursuant to the Planning Act 2008 (the PA 2008) [Ref 1].
- 2.1.4 The Proposed Development comprises a commercial-scale second generation Sustainable Aviation Fuel (SAF) production facility and associated infrastructure.

2.2 The Applicant

- 2.2.1 The Applicant is wholly owned by Alfanar Energy Limited (Alfanar). Alfanar is part of a global project development, manufacturing, and engineering group headquartered in Saudi Arabia. Alfanar has developed significant in-house feedstock-to-SAF expertise. This experience will be utilised to construct and operate the Proposed Development.

2.3 Overview of the Proposed Development

- 2.3.1 The Proposed Development is anticipated to be the UK's first commercial-scale second generation SAF production facility.
- 2.3.2 The Proposed Development includes the construction, operation, maintenance and decommissioning of a commercial-scale facility that will produce approximately 180 million litres of advanced SAF and approximately 30 million litres of renewable naphtha each year.
- 2.3.3 The Proposed Development includes the following elements (the location of each Work No. is shown on the **Works Plans (Application Document Ref. 2.4)**):

Table 2.1: Works Description Summaries

Work Number:	
Work No. 1	SAF production facility comprising: • 1A - feedstock pre-treatment facility including flue gas treatment and stack • 1B - SAF processing facility including thermal oxidiser, flue gas treatment, and stack • 1C - up to two flare structures
Work No. 2	Combined heat and power (CHP) generating station comprising: • 2A - boilers and steam turbine generators • 2B - flue gas treatment and stack
Work No. 3	Feedstock and intermediate and final product handling and storage
Work No. 4	Cooling infrastructure for SAF production facility and CHP plant
Work No. 5	Bridge and culvert crossings of existing infrastructure
Work No. 6	Marine infrastructure comprising: • 6A - construction of permanent quay • 6B - permanent quay • 6C - capital and maintenance dredging
Work No. 7	Electrical connection works comprising: • 7A - underground and overground cable connections to the existing North Bank Supply Point • 7B - electrical connection works
Work No. 8	Modified or new natural gas connection and above ground infrastructure (AGI)
Work No. 9	Supply of industrial gases: Only one of Work No. 9A or Work No. 9B would be developed; • 9A - industrial gases connection works comprising installation of new and repurposing of oxygen and nitrogen pipeline connections, and connection to existing low pressure nitrogen supply • 9B - air separation unit (ASU) facility and connections to Work No. 1
Work No. 10	Modification or removal and replacement of industrial wastewater pipeline connection works
Works No. 11	• Export connection works: 11A - pipeline(s) for the export of SAF and renewable naphtha • 11B or 11C - a pipeline for the export of carbon dioxide (CO₂) connecting to AGI by others (being either AGI C1 or C2 of the Northern Endurance Partnership (NEP) transport and storage pipeline) Only one of Work No. 11B or Work No. 11C would be developed
Works No. 12	Surface water attenuation, and drainage and discharge works
Works No. 13	Laydown areas comprising: • 13A - temporary construction compounds and laydown areas • 13B - permanent laydown and storage

Work No. 14	Access works and private street improvements
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- 2.3.4 In addition a range of associated development, both specified and unspecified, is proposed in relation to the above.
- 2.3.5 The new quay on the River Tees (**Work No. 6**) will allow delivery of modular plant and construction materials by ship during construction and biomass and waste wood feedstock during operation, reducing reliance on road transport. Feedstock will be stored (**Work No. 3**) then pre-treated at the Main Site and processed into SAF through gasification and gas-to-liquids processes (**Work No.1**).
- 2.3.6 To support operations, the Proposed Development will include a biomass and waste wood-fired CHP plant (**Work No. 2**) with an electrical output capacity of up to 200 megawatts electrical (MWe), providing a low-carbon energy supply for the SAF process. Cooling infrastructure (**Work No. 4**) will be required for the SAF process and the CHP plant. Connections will provide electricity for start-up and to maintain ancillary site supplies (**Work No. 7**), natural gas for start-up and as auxiliary fuel for some processes during operation (**Work No. 8**), and oxygen and nitrogen which will either be delivered to the Site via pipelines or produced by a new ASU in the Main Site (**Work No. 9A or 9B** respectively). Waste materials, including off-specification materials will be exported from the Main Site by road. Finished products (SAF, and a secondary product of the process, renewable naphtha) will be transferred via pipeline(s) (**Work No. 11A**) to local marine loading facilities for marine export or export by road. CO₂ from the acid gas removal unit in Work No. 1B will be exported via pipeline (**Work No. 11B or Work No. 11C**) subject to a suitable agreement to connect to one of two proximate AGIs in the NEP project.
- 2.3.7 The Proposed Development will also include replacement and new wastewater pipeline connection works (**Work No. 10**), surface water drainage systems (**Work No. 12**) and access and street improvements (**Work No. 14**). Space within the Wider Site is identified for temporary construction and laydown and space within the Main Site identified for permanent laydown and storage areas (**Work No. 13**).
- 2.3.8 The preliminary layout of the Proposed Development is shown on **Indicative General Arrangement Plan (Application Document Ref. 2.5.1)** and **Indicative General Arrangement Isometric (Application Document Ref. 2.5.2)**.

2.4 The Site

- 2.4.1 The Site location and boundary (which is also known as the 'Order limits') are shown on **Site Location Plan (Application Document Ref. 2.1)**. The Site is located in Teesside on land to the north and south of the River Tees with connection corridors crossing the Tees.
- 2.4.2 The Main Site is located in the industrial area of Seal Sands approximately 5km east of Billingham town centre and 4km north-east of Middlesbrough town centre, on the north bank of the River Tees in the borough of Stockton-on-Tees). The majority of the Main Site lies south of Seal Sands Road and largely comprises previously developed land formerly used as a chemical plant from the early 1970s. It was last operated by INEOS Nitriles.
- 2.4.3 The Main Site comprises the main SAF facility development area of the Site, lying to the south and north sides of Seal Sands Road and bounded by the proposed quay in the River Tees, with the River Tees to the east.
- 2.4.4 The eastern boundary of the Main Site is formed by the River Tees, where existing jetties will be demolished and a new quay developed.
- 2.4.5 The Wider Site comprises the connection corridors, including land required for road access, pipelines (including under the River Tees), dredging near to the Main Site, and utility connections and construction laydown in both North Tees and (in the borough of Redcar and Cleveland) South Tees.

2.5 The DCO Process

- 2.5.1 Part 3 of the PA 2008 defines which projects constitute a nationally significant infrastructure project (NSIP). Once classed as an NSIP, development consent (in the form of a DCO) is required under Part 4 of the PA 2008.
- 2.5.2 In legislative terms the Proposed Development comprises both a SAF production facility and a CHP generating station together with development associated with the SAF production facility and the CHP generating station.
- 2.5.3 The construction and operation of the main SAF production facility does not automatically fall within the definition of an NSIP. Therefore, on 12 August 2025, the Applicant formally requested a direction by the SoS for Energy Security and Net Zero, pursuant to section 35(1) of the PA 2008, that the following elements be treated as one for which development consent is required. The Section 35 direction request was made in respect of: a main gasification facility to process sustainably sourced biomass; feedstock pre-treatment, syngas clean-up apparatus; Fischer-Tropsch process units; refining units; feedstock, intermediates and finished product storage; quayside with ship loading/ offloading infrastructure; supporting

infrastructure and utility connections (hereafter called the 'Specified Elements').

- 2.5.4 The SoS for Energy Security and Net Zero issued a direction under Section 35 of the PA 2008 [Ref 1] on 08 September 2025 to confirm that the Specified Elements of the Proposed Development, together with any matters/ development associated with them, should be treated as development for which development consent under the PA 2008 is required.
- 2.5.5 The CHP plant (**Work No. 2**) surpasses the 50 Megawatt (MW) threshold for generating stations defined in Section 15 of the PA 2008 and is therefore a NSIP in its own right.
- 2.5.6 An application for development consent for the Proposed Development has been submitted to PINS acting on behalf of the SoS. Subject to the Application being accepted, PINS will then examine it and make a recommendation to the SoS who will then decide whether to grant a DCO.
- 2.5.7 The application for development consent for the Proposed Development supersedes a previous application that was being progressed by Lighthouse Green Fuels Limited centred on a site off Huntsman Drive in Seal Sands, TS2 1TT (PINS ref. EN010150). Statutory consultation on that application took place between 16 May 2024 and 20 June 2024. As shown on the PINS website¹, that application is discontinued.

2.6 The purpose and structure of this document

- 2.6.1 The purpose of this document is to identify the potential sources of statutory nuisance that could arise during the construction, operation, maintenance and decommissioning of the Proposed Development, and to demonstrate how these have been considered through the design process, environmental assessment and proposed mitigation measures. The document draws upon the findings of the Environmental Statement and other application documents submitted as part of the Application.
- 2.6.2 The document is structured as follows:
- Section 3 sets out the legislative and policy framework relevant to statutory nuisance and explains how statutory nuisance is considered in the context of projects which require development consent under the PA 2008.
 - Section 4 identifies the aspects of statutory nuisance that are relevant to the Proposed Development and summarises the findings of the

¹ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010150>

environmental assessments and embedded mitigation measures designed to avoid or minimise potential nuisance effects.

- Section 5 provides the overall conclusions of the assessment and confirms whether the Proposed Development is expected to give rise to a statutory nuisance under Section 79(1) of the EPA 1990.

3 Identification and assessment of statutory nuisance

3.1 Legislative framework

3.1.1 Section 79(1) of the EPA 1990 [Ref 3] identifies the matters which are considered to be statutory nuisance as follows:

- “(a) any premises in such a state as to be prejudicial to health or a nuisance;*
- (b) smoke emitted from premises so as to be prejudicial to health or a nuisance;*
- (c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance;*
- (d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance;*
- (e) any accumulation or deposit which is prejudicial to health or a nuisance;*
- (f) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;*
- (fa) any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance;*
- (fb) artificial light emitted from premises so as to be prejudicial to health or a nuisance;*
- (g) noise emitted from premises so as to be prejudicial to health or a nuisance;*
- (ga) noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street [or in Scotland, road]; and*
- (h) any other matter declared by any enactment to be statutory nuisance.”*

3.2 Statutory Nuisance and Nationally Significant Infrastructure Projects

3.2.1 Paragraphs 4.15.1 to 4.15.4 of the ‘Overarching National Policy Statement for Energy EN-1’ [Ref 4] states:

“Section 158 of the Planning Act 2008 confers statutory authority for carrying out development consented to by, or doing anything else authorised by, a Development Consent Order.

Such authority is conferred only for the purpose of providing a defence in civil or criminal proceedings for nuisance. This would include a defence in

proceedings for nuisance under Part III of the Environmental Protection Act 1990 (EPA) (statutory nuisances and clean air).

The defence does not extinguish the local authority's duties under Part III of the EPA 1990 to inspect its area and take reasonably practical steps to investigate complaints of statutory nuisance made to it by a person living within its area and to serve an abatement notice where satisfied of the existence, likely occurrence or recurrence of a statutory nuisance.

The defence is not intended to extend to proceedings where the matter is "prejudicial to health" and not a nuisance."

- 3.2.2 Paragraph 4.15.6 outlines that at the application stage, possible sources of nuisance under section 79(1) of the EPA 1990 and how they may be mitigated or limited should be considered by the SoS so that appropriate 'requirements' can be included in any DCO that is granted.
- 3.2.3 Whilst, as this document demonstrates, it is not expected that the construction, operation (including maintenance) and decommissioning of the Proposed Development would cause a statutory nuisance, the **Draft DCO (Application Document Ref. 3.1)** contains an article (Defence to proceedings in respect of statutory nuisance) that would provide a defence to proceedings in respect of statutory nuisance (Section 79 (1) (a, b, c, d, e, fb, g, ga and h) should they be initiated against the Applicant or any future operators of the Proposed Development (in respect of Section 79(1) of the EPA 1990 (statutory nuisances and inspections thereof)), subject to certain criteria.
- 3.2.4 The National Policy Statement for Renewable Energy Infrastructure (EN-3) [0] includes specific policy relating to the assessment and management of potential nuisance associated with odour, insects and vermin. Paragraph 2.7.48 requires applicants to assess these matters, with particular regard to the handling and storage of waste used as fuel. Paragraphs 2.7.75 and 2.7.76 identify relevant mitigation and management expectations, including the use of defined and enclosed areas for waste and residue reception, storage and handling, and the preparation of a written management system addressing odour, insect and vermin management through the environmental permitting regime.
- 3.2.5 Paragraph 2.7.113 addresses decision-making and requires the Secretary of State to be satisfied that appropriate measures are proposed to minimise effects on local amenity from odour, insects and vermin. These policy requirements have been taken into account, where relevant, in the assessment of the potential for the Proposed Development to give rise to

statutory nuisance and in the identification of the associated mitigation and management measures.

3.3 Assessment of significance

- 3.3.1 The **ES Volume I (Application Document Ref. 6.1)** for the Proposed Development addresses the likelihood of significant effects arising that could constitute a statutory nuisance, as identified in Section 79(1) of the EPA 1990.
- 3.3.2 **ES Volume I Chapter 4: The Proposed Development (Application Document Ref. 6.1) and ES Volume I Chapter 5: Construction Programme and Management (Application Document Ref. 6.1)** which includes the **Framework Construction Environmental Management Plan (fCEMP) in Appendix 5A of ES Volume III (Application Document Ref. 6.3)** describe impact avoidance measures embedded into the proposed design and methods of construction.
- 3.3.3 **ES Volume I Chapter 8: Air Quality, Chapter 9: Noise and Vibration, Chapter 13 Landscape and Visual Amenity and Chapter 18: Traffic and Transport (Application Document 6.1)** and their associated appendices in **ES Volume III (Application Document Ref. 6.3)**, where relevant, provide detailed assessments of these potential statutory nuisances and identify mitigation measures where necessary.
- 3.3.4 The ES provides an assessment of the potential effects on receptors as negligible, minor, moderate or major. Moderate and major effects are considered to be significant for the purposes of the Environmental Impact Assessment (EIA).
- 3.3.5 Unless otherwise stated, decommissioning effects are considered to be comparable to or less than those associated with construction of the Proposed Development for the reasons set out in the ES. Specific impact assessments undertaken for the Proposed Development, including those for air quality, noise and vibration, surface water and hydrology and landscape, conclude that relevant good practice mitigation measures would be in place during any decommissioning works, and no additional mitigation has been identified as necessary for the decommissioning phase of the Proposed Development.
- 3.3.6 Further to a requirement in Schedule 2 of the **draft DCO (Application Document Ref. 3.1)**, a Decommissioning Environmental Management Plan (DEMP) for any part of the authorised development will be produced and submitted to the relevant planning authority for approval prior to the commencement of any decommissioning activities for that part. The DEMP

will ensure that all decommissioning works are undertaken in accordance with good industry practice as the time of decommissioning.

4 Potential nuisance impacts

- 4.1.1 This section discusses the nuisance impacts set out in the EPA 1990 in relation to the Proposed Development and summarises the embedded and additional mitigation measures that will be applied to prevent these.
- 4.1.2 Taking into consideration the nature of the Proposed Development, the following parts of the EPA (1990) have been assessed as relevant: Section 79(1) paras. a, b, c, d, e, fb, g, ga and h.
- 4.1.3 The Proposed Development will not involve the keeping of animals and, as such, Section 79(1)(f) is not considered relevant and has not been assessed. In addition, the nature of the Proposed Development is not expected to give rise to the accumulation of pests, insects or vermin, therefore 79(1)(fa) has not been assessed.

4.2 EPA 1990 Section 79(1) (a) Any Premises in Such a State as to be Prejudicial to Health or a Nuisance

- 4.2.1 The EPA 1990 describes a potential statutory nuisance to be caused by 'any premises in such a state as to be prejudicial to health or a nuisance'.
- 4.2.2 Statutory nuisance as a result of poor housekeeping or maintenance could only occur if the low standards of housekeeping or maintenance practices are in place.
- 4.2.3 The Proposed Development will operate activities which are regulated by the Environment Agency under an Environmental Permit granted under the Environmental Permitting (England and Wales) Regulations 2016 [0] . The Environmental Permit requires each regulated facility to have an Environmental Management System (EMS). Under the Environmental Permit, the risk of any such statutory nuisance from occurring through poor maintenance or housekeeping, will be managed through operational and management controls, such as the establishment of a preventative maintenance plan, regular housekeeping inspections, waste management procedures and compliance with the requirements of the EMS and Environmental Permit for the Proposed Development.

4.3 EPA 1990 Section 79(1) (b) Smoke Emitted from Premises so as to be Prejudicial to Health or a Nuisance, (c) Fumes or Gases Emitted from Premises so as to be Prejudicial to Health or a Nuisance

- 4.3.1 Due to the design of the facility and the nature of the SAF production process it is not anticipated that smoke will be generated from the Proposed Development during normal operation. Control of any other fumes and gases that may be relevant during construction and operation are considered in the following sections.

Construction phase

- 4.3.2 Construction air emissions are considered in **ES Volume III Appendix 8A: Air Quality – Construction Phase (Application Document Ref. 6.3)** and **ES Volume I Chapter 8: Air Quality (Application Document Ref. 6.1)**. The study area for Non-Road Mobile Machinery (NRMM) follows the guidance set out by the Institute of Air Quality Management (IAQM) in their guidance document on the assessment of dust arising from construction [Ref 7]:
- Human receptors located up to 250m beyond the Proposed Development and 50m from the construction traffic routes (up to 250m from the site entrance).
 - For ecological receptors the study area extends up to 50m from the Proposed Development and construction traffic route (up to 250m from the site entrance).
- 4.3.3 A list of human and ecological receptors can be found in Table 8-8 of **ES Volume I Chapter 8: Air Quality (Application Document Ref. 6.1)**. The emissions that have been assessed are oxides of nitrogen (NO_x), Particulate Matter 10µm in diameter or less (PM₁₀) and Particulate Matter 2.5µm in diameter or less (PM_{2.5}).
- 4.3.4 The air quality assessment has identified that the effect of emissions resulting from the changes in traffic flows due to construction traffic on human health are considered to be negligible (not significant) as outlined in **ES Volume I Chapter 8: Air Quality (Application Document Ref. 6.1)**. For ecological receptors construction traffic impacts on ecological receptors are assessed as negligible and not significant as outlined in **ES Volume I Chapter 8: Air Quality (Application Document Ref. 6.1)**. Nitrogen deposition is below relevant thresholds at most receptors, and although some cannot be screened out, the assessment uses conservative peak traffic assumptions, so actual impacts are expected to be lower. Given the short-term nature of construction, effects are not considered significant. Acid deposition is negligible at all receptors. Changes in annual mean NO_x and NH₃ remain below critical levels and are therefore **not significant**.
- 4.3.5 The potential for NRMM emissions within the Site to result in air quality impacts on local human health is also considered **negligible (not significant)**.
- 4.3.6 Abnormal Indivisible Loads (AILs) may be delivered to the Main Site via the highway network. However, the primary route for AIL and module delivery will be by ship (where possible) using the newly constructed quay. As outlined in the **Chapter 20: Marine Navigation (ES Volume I, Application**

Document Ref. 6.1) and Appendix 20A: Navigation Risk Assessment (NRA) (ES Volume III, Application Document Ref. 6.3), the construction of the Proposed Development covers two main phases of marine operations:

- Phase 1: Construction of the quay (and demolition of existing infrastructure) and dredging of the berth pocket and access channel; and
- Phase 2: Marine operations during the construction of the Proposed Development (import of construction materials and modules).

4.3.7 During the construction of the quay Phase 1 there are expected to be 1,993 movements and in Phase 2 2,000 movements. The Local Air Quality Management Technical Guidance (TG22) [Ref 6] provides guidance on assessing shipping emissions, stating that an assessment may be required where the following occurs:

- More than 5,000 large ship movements per year, with relevant exposure within 250m of the berth and main areas of manoeuvring; or
- More than 15,000 large ship movements per year, with relevant exposure within 1km of these areas.

4.3.8 For both Phase 1 and Phase 2, the overall shipping movements assessed were below 5,000 movements and there are no sensitive human receptors identified within 250km or 1km of the study area. On this basis it was determined that an assessment of shipping emissions on sensitive human receptors could be screened out from the assessment.

4.3.9 Due to the fact that there are sensitive ecological receptors within 1km of the shipping route, an assessment of the Phase 1 and Phase 2 shipping emissions was undertaken. The results of the assessment presented in in **ES Volume I Chapter 8: Air Quality (Application Document Ref. 6.1)** concluded that the construction shipping associated with the Proposed Development on sensitive ecological receptors can be considered to be **not significant**.

Operational phase

4.3.10 The pollutants considered within the assessment of air emissions for the main stacks in **ES Volume I Chapter 8: Air Quality (Application Document Ref. 6.1)** are primarily those prescribed within the EU's Industrial Emissions Directive (IED) [Ref 9] which has been incorporated into The Environmental Permitting Regulations (England and Wales) Regulations 2016 [0] and is implemented through the Waste and

Environmental Permitting etc. (Legislative Functions and Amendment etc.) (EU Exit) Regulations 2020) [Ref 10]. These are:

- Oxides of nitrogen (NO_x), expressed as nitrogen dioxide (chemical formula NO₂);
- Carbon monoxide (chemical formula CO); and
- Sulphur dioxide (SO₂)
- Volatile Organic Compounds (VOCs)
- Ammonia (chemical formula NH₃)
- Particulates (PM)
- Hydrogen chloride (HCl)
- Hydrogen fluoride (HF)
- Mercury (Hg)
- Dioxins (PCDD/PCDF)
- Cadmium (Cd) & Thallium (Tl)
- Other metals²
- Chromium VI (Cr(VI))

4.3.11 The study area for the air quality assessment extends up to 15km from the Site in order to assess the potential impacts on ecological receptors, in line with the EA risk assessment methodology [Ref 10]. In terms of human health receptors, impacts from the Proposed Development typically become negligible within approximately 2km however the sensitive receptors in the vicinity of the Proposed Development are greater than 2km from the Main Site. Impacts at human health receptors are therefore based at the closest areas of human occupation to the Main Site.

4.3.12 The Proposed Development will be designed and operated to meet the relevant requirements for Large Combustion Plant, Waste Gas Management, Treatment Systems in the Chemical Sector requirements and Waste Incineration³ of the IED [Ref 9] and its operations will be strictly

² Including Antimony (Sb), Arsenic (As), Lead (Pb), Chromium (Cr), Cobalt (Co), Copper (Cu), Manganese (Mn), Nickel (Ni), Vanadium (V)

³ Chapter IV (Waste Incineration and Co-incineration) of the IED (2010/75/EU), as transposed by the Environmental Permitting (England and Wales) Regulations 2016 (as amended), applies only to the CHP element of the proposed development where waste wood is used as fuel, not the entire SAF Production Facility.

regulated by the Environment Agency under an Environmental Permit as detailed in **ES Volume III Appendix 8B: Air Quality Operational Assessment Methodology (Application Document Ref. 6.3)**. It will be operated and maintained in accordance with a preventative maintenance programme.

- 4.3.13 Factoring in the Proposed Development design, the impacts of the pollutants listed in paragraph 4.3.10 above released from the operation, are predicted to result in no significant impacts on human health or ecological receptors overall. As outlined in **ES Volume III Appendix 8B: Air Quality Operational Assessment Methodology (Application Document Ref. 6.3)** for human health, all pollutants, including NO₂, particulate matter (PM₁₀ and PM_{2.5}), CO, SO₂, VOCs, NH₃, HCl, HF and metals, have process contributions that are well below the relevant air quality assessment levels with predicted emission concentrations remaining within the standards, and therefore the effects are negligible and **not significant**.
- 4.3.14 For ecological receptors as outlined in **ES Volume III Appendix 8B: Air Quality Operational Assessment Methodology (Application Document Ref. 6.3)** impacts for NO_x, SO₂, NH₃ and HF are largely below screening thresholds and considered insignificant. However, some exceedances of initial screening criteria for NO_x, nitrogen deposition and acid deposition at the Teesmouth and Cleveland Coast receptor were reported. Despite the exceedances of the initial screening criteria, the results showed that these do not lead to significant effects when taking into consideration background concentrations and environmental considerations and the use of conservative assumptions. In addition to the reported exceedance of screening criteria for some parameters, Cr(VI) also reported elevated impacts. Further assessment and consideration of realistic emission profiles indicated these effects are not significant. Where additional modelling with enhanced NO_x and NH₃ abatement has been undertaken, impacts are further reduced and remain **not significant**.
- 4.3.15 Monitoring strategies for the operational plant will be outlined in the Environmental Permit which will involve continuous monitoring of key pollutant emissions from the stack, with annual reporting of results to the EA and annual independent validation of the monitoring results.
- 4.3.16 The IED [Ref 9] provides operational limits and controls to which regulated plant must comply, including Emission Limit Values ('ELV') for pollutant releases into the air from plant combusting various fuel types. The operator of a plant covered by the IED is required to employ Best Available Techniques (BAT) for the prevention or minimisation of emissions to the environment, to ensure a high level of protection of the environment as a

whole. European BAT reference documents (BRefs) and BAT Conclusions (BATc) are published for each industrial sector under the IED, and they include BAT-Associated Emission Levels (BAT-AEL) which are expected to be met through the application of BAT.

4.3.17 The following BAT and their respective BATc are considered relevant to the proposed development in relation to emissions to air:

- Large Combustion Plant [Ref 12];
- Waste Gas Management and Treatment Systems in the Chemical Sector [Ref 13]; and
- Waste Incineration^{3,3} (CHP plant only) [Ref 14].

4.3.18 No detailed assessment of operational road traffic emissions has been undertaken, as the number of additional vehicles associated with the operational phase of the Proposed Development are predicted to be well below the IAQM screening criteria [Ref 15] for requiring such assessment. There will be shipping traffic primarily for the delivery of biomass and waste wood. In total, during the operational phase, there will be 93 large ship movements annually. Although these numbers are relatively small compared to the threshold set out in the TG22 guidance [Ref 6] on assessing shipping emissions, however a precautionary approach has been followed.

4.3.19 A desk-top study was undertaken to identify existing sensitive receptors that may be impacted by shipping movements in the operational phase. As with the construction phase assessment, it is considered that there are no sensitive human receptors within 250m or 1km of the study area and therefore human receptors were screened out from the assessment.

4.3.20 For ecological receptors the same screening area outlined in TG22 [Ref 6] and outlined in paragraph 4.3.6 above was used. The results of the assessment determined that for ecological receptors the effect of the operational shipping movements associated with the Proposed Development on sensitive ecological receptors can be considered to be **not significant**.

4.4 EPA 1990 Section 79(1) (d) Any Dust, Steam, Smell or Other Effluvia Arising on Industrial, Trade or Business Premises and Being Prejudicial to Health or a Nuisance, and e) Any Accumulation or Deposit which is Prejudicial to Health or a Nuisance

Dust, accumulations and deposits

4.4.1 The scale and nature of the Proposed Development and activities associated with construction and operation have the potential to produce

dust. 'Dust' is defined in the IAQM '*guidance on the assessment of dust from demolition and construction*' as solid particles that are suspended in air, or have settled out onto a surface after having been suspended in air. The terms dust and particulate matter (PM) are often used interchangeably, although in some contexts one term tends to be used in preference to the other. In this guidance the term 'dust' has been used to include the particles that give rise to soiling, and to human health and ecological effects. If emitted at high concentrations this could theoretically be transported to local receptors.

- 4.4.2 Anticipated dust, accumulations and deposits from construction, operations (including maintenance works) and decommissioning activities at the Proposed Development are described below.

Construction phase

- 4.4.3 The movement and handling of soils and spoil during construction activities for the Proposed Development is anticipated to lead to the generation of some short-term airborne dust. The occurrence and significance of dust generated by earth moving operations is difficult to estimate and depends heavily upon the meteorological and ground conditions at the actual time and location of the work, and the nature of the activity being carried out.
- 4.4.4 During the earthworks and construction phase, based on IAQM guidance (2024) [Ref 7], and conservative assumptions, unmitigated dust impacts were concluded **in ES Volume I Chapter 8: Air Quality (Application Document Ref. 6.1)** to have a 'medium to low risk' for dust soiling impacts, 'medium to low risk' for human health impacts and 'high risk' for ecological impact.
- 4.4.5 Emissions of dust and particulates from the construction phase of the Proposed Development will be controlled in accordance with good industry practice, through incorporation of appropriate control measures according to the risks posed by the activities undertaken, as determined through this assessment process. The management of dust and particulates and application of adequate mitigation measures will be secured through the **fCEMP (Appendix 5A, ES Volume III, Application Document Ref. 6.3)**. The detailed CEMP will include a Dust Management Plan (DMP), which may include measures to control other emissions, approved by the relevant local planning authority. In addition to the development of a DMP as part of the detailed CEMP, management methods may include:
- Plan site layout so that machinery and dust causing activities are located away from receptors, as far as practicable.

- Erect solid screens or barriers around dusty activities that are at least as high as any stockpiles on-site.
 - Fully enclose site or specific operation where there is a high potential for dust production and the site is active for an extensive period.
 - Remove materials that have a potential to produce dust from site as soon as practicable, unless being re-used on-site. If they are being re-used on-site cover as described below; and
 - Cover, seed, or fence stockpiles to prevent wind-whipping
- 4.4.6 Following the implementation of management methods, the potential effect from fugitive emissions of construction dust is considered to be **not significant**.

Operational phase

- 4.4.7 The operational assessment presented in **ES Volume I Chapter 8: Air Quality (Application Document Ref. 6.1)** outlines that the impact of point source emissions at human health receptors has been determined from isopleth figures of pollutant dispersion and maximum model output at discrete receptor locations. The assessment concludes that plant design and emission control measures will provide sufficient embedded mitigation to avoid any significant effects. As such, additional mitigation measures are not required for the Proposed Development. **No significant effects** were identified within the assessment.
- 4.4.8 The operational assessment presented in **ES Volume I Chapter 8: Air Quality (Application Document Ref. 6.1)** does not assess fugitive dust emissions. The management of operational fugitive dust will be regulated under the Environmental Permit. The operation of the Proposed Development will be in accordance with the IED and regulated under the Environmental Permit. Through the implementation of formal operating procedures, site management and the use of automated controls, this will minimise the potential for statutory nuisance from atmospheric emissions including fugitive dust emissions. The Environmental Permit will require the operator to use and maintain appropriate measures to prevent or, where prevention is not practicable, minimise fugitive emissions. The site-specific Environmental Management System will include procedures for dust control, inspection, maintenance, housekeeping and the identification and rectification of defects.
- 4.4.9 The closest sensitive receptor is located 2.5km from the Proposed Development.

- 4.4.10 Fugitive dust emissions are likely generated from the loading, unloading, transfer and storage of SAF feedstock, biomass and wood waste.
- 4.4.11 Embedded design measures which will assist in minimising fugitive dust emissions include the use of a combination of enclosed and or covered storage areas. Biomass will be stored within enclosed silos, while waste wood used by the CHP plant will be stored within enclosed, compartmentalised storage sheds. Feedstock conveyors will be enclosed and Local Exhaust Ventilation (LEV) systems will be installed at conveyor transfer points. Extracted dust will be routed to baghouse filtration systems designed to achieve no greater than 5 mg/Nm³. The baghouse filtration systems, conveyors and storage facilities will be subject to routine inspection, monitoring and preventative maintenance.
- 4.4.12 Dust accumulation and re-suspension will be controlled through regular visual inspections and cleaning using industrial Class M or Class H vacuum systems rather than dry sweeping. Storage shed compartment walls will have peaked tops to limit the accumulation of dust on horizontal surfaces. Internal roads will be surfaced, maintained and cleaned as required, with road sweepers used to remove dust, mud and debris. Vehicle speed limits and designated surfaced routes will also reduce dust generation and track-out.
- 4.4.13 Taking account of the source containment and extraction measures, operational controls, inspection and maintenance that will be required under the Environmental Permit, and the approximately 2.5 km separation from the closest residential receptors, the potential for operational fugitive dust to give rise to statutory nuisance is considered to be low.

Visual plume

- 4.4.14 For the purpose of the assessment undertaken in **ES Volume I Chapter 8: Air Quality (Application Document Ref. 6.1)** a visible plume is defined as being 'visible' when liquid water present in the plume above a critical threshold of 0.002kg.kg (mass of water vapour per unit mass of dry release at the stack).
- 4.4.15 The water vapour mixing ratio has been calculated to be below the threshold for all plant stacks releasing emissions to air. However, due to the initial water content and the low temperature of the release, there is potential for visible plumes to occur from the cooling towers, recognising that these are plume abated to reduce the potential for visible plumes to form. The results for the cooling tower modelling are presented in **ES Volume III Appendix 8B: Air Quality Operational Assessment (Application Document Ref. 6.3)** which indicated that the average predicted plume lengths are between 40 – 61m long, and that the

percentage of the time when visible plumes would go beyond the Main Site boundary is less than 10%.

Odour

- 4.4.16 As outlined in **ES Volume I Chapter 8: Air Quality (Application Document Ref. 6.1)** in Table 8.5, the Proposed Development is not considered to have the potential to cause odour due to the lack of nearby sensitive human receptors. Furthermore, there are not expected to be any significant operational odours.
- 4.5 [EPA 1990 Section 79\(1\) \(fb\) Artificial Light Emitted from Premises so as to be Prejudicial to Health or a Nuisance](#)
- 4.5.1 During construction, temporary lighting is proposed to enable safe working on the construction site in the hours of darkness. The lighting will be arranged so that glare is minimised outside the construction site.
- 4.5.2 The appointed contractors will be responsible for establishing the required approach to and levels of lighting and temporary and permanent schemes for all external lighting will be prepared for approval pursuant to a DCO requirement. The temporary and permanent lighting schemes will be produced in accordance with the **Framework Lighting Strategy (Application Document Ref. 6.3)**. A **Framework Lighting Strategy** is provided as part of the DCO application (**ES Volume III Appendix 13C, Application Document Ref. 6.3**).
- 4.5.3 The lighting required during the construction and operation stages of the Proposed Development will be designed to reduce unnecessary light spill outside of the Site boundary. This is likely to be done by the inclusion of shielding within the design and directional luminaires to limit the amount of light spill.
- 4.6 [EPA 1990 Section 79\(1\) \(g\) Noise Emitted from Premises so as to be Prejudicial to Health or a Nuisance, and \(ga\) Noise that is Prejudicial to Health or a Nuisance and is Emitted from or Caused by a Vehicle, Machinery or Equipment in a Street](#)
- 4.6.1 A noise assessment has been carried out as part of **ES Volume I Chapter 9: Noise and Vibration (Application Document Ref. 6.1)** to assess the impacts of noise generated from the construction and operation of the Proposed Development on residential receptors. The assessment considered both direct and indirect effects. Direct effects are those arising from construction activities within the Proposed Development itself. Indirect effects are changes in noise levels at receptors caused by construction traffic on the surrounding road network, rather than by on-site construction

activities, and are assessed based on changes in traffic flows and resulting noise levels.

4.6.2 The results of the assessment are outlined in the below sections.

Construction phase

4.6.3 The assessment on construction noise effect has been undertaken in accordance with BS 5228-1:2009+A1:2014 [Ref 16] and considers construction activities associated with the Main Site and Wider Site, including connection corridors.

4.6.4 The construction activities with the potential to result in temporary adverse impacts on Noise Sensitive Receptors (NSR) include:

- Site preparation, enabling works and removal of existing foundations and hard ground (including breaking and crushing concrete);
- Earthworks and excavation (including import and placement of fill);
- Transporting, unloading and installation of plant modules;
- Percussive piling activities; and
- Installation of pipelines and utilities.

4.6.5 Construction plant likely to be required for these works include dozers, excavators, piling rigs, tower cranes, compaction equipment, hand tools, concrete pouring equipment, tractors and dumpers. It is important to note that noise levels from construction sites are variable over time and dependent on the location within the site of the main activities. Specifically, when construction activities occur in close proximity to receptors, noise levels are likely to be higher and decrease when the works are more distant.

4.6.6 As outlined in **ES Volume I Chapter 5: Construction Programme and Management (Application Document Ref. 6.1)** and the **fCEMP (Appendix 5A, ES Volume III, Application Document Ref. 6.3)** the core construction working hours will be between 07:00 and 19:00 Monday to Friday (except bank holidays), Saturday 07:00 to 16:00 and Sunday 08:00 to 17:00.

4.6.7 The final construction programme, including exceptions to the working hours, will be subject to agreement with the relevant local planning authorities and this is secured through a Requirement in Schedule 2 of the draft DCO (**Application Document Ref. 3.1**).

4.6.8 **ES Volume I Chapter 9: Noise and Vibration (Application Document Ref. 6.1)** outlines the following control measures, which are secured in the

fCEMP (Appendix 5A, ES Volume III, Application Document Ref. 6.3), for environmental protection that will be adopted during construction. These measures will be developed and refined during the DCO examination and may include:

- Careful selection of plant and construction methods. Only plant conforming to relevant national, EU or international standards, directives and recommendations on noise and vibration emissions should be used;
- Design and use of site enclosures, housing and temporary stockpiles, where practicable and necessary, to provide acoustic screening at the earliest opportunity;
- Choice of routes and programming for the transport of construction materials, spoil and personnel;
- Careful programming so that activities which may generate significant noise are planned with regard to local residents and sensitive receptors;
- All vehicles and mechanical plant shall be fitted with effective exhaust silencers (without causing the engine to overheat nor interfere excessively with routine operations) and shall be maintained in good and efficient working order and operated to minimise noise emissions; recommended by the manufacturers;
- All machines in intermittent use shall be shut down in the intervening periods between works or throttled down to a minimum. Lorry engines will be switched off, as soon as practicable, when vehicles are stationary;
- All compressors and generators shall be sound reduced models fitted with properly lined and sealed acoustic covers which shall be kept closed whenever the machines are in use, and all pneumatic percussive tools shall be fitted with mufflers or silencers that do not impair machine efficiency;
- Noise emitting equipment which is required to run continuously shall be housed in a suitable acoustic enclosure (see BS 5228 Part 1, Figures B.1, B.2 and B.3);
- Temporary noise barriers will be used to reduce noise levels where appropriate and practicable. Such measures can be particularly appropriate for stationary or near-stationary plant such as pneumatic breakers, piling rigs and compressors. Barriers should be located as close to the plant as possible and, to provide adequate attenuation, should have a mass per unit area of at least 7 kg/m²;

- Plant and equipment liable to create noise and/or vibration whilst in operation will, as far as reasonably practicable, be located away from sensitive receptors and away from walls reflecting towards sensitive receptors;
 - Materials for night-time working shall be delivered, where practicable, during normal hours of working and be placed as close as practicable to the work area for which they are required;
 - Where reasonably practicable, fixed items of construction plant shall be electrically powered in preference to combustion engine driven.
 - Optimal location of equipment within the Proposed Development to minimise noise disturbance;
 - Use of less intrusive alarms, such as broadband vehicle reversing warnings;
 - Contact details will be provided for local residents along the HGV access routes in case of complaints; and
 - A requirement in the **draft DCO (Application Document Ref. 3.1)** secures both working hours and the approach to exceptions to these hours.
 - Method statements for construction management, traffic management, and overall site management will be prepared in accordance with good practice and relevant British Standards, to mitigate and minimise impacts of construction works as far as is reasonably practicable.
- 4.6.9 Regular communication with the local community throughout the construction period will also serve to publicise the works schedule, giving notification to residents regarding periods when higher levels of noise may occur during specific operations, and providing lines of communication where complaints can be addressed.
- 4.6.10 For construction noise, a Study Area for residential receptors of 300m from the Proposed Development has been adopted, including activities associated with the connection corridor development in accordance with BS 5228-1:2009+A1:2014.
- 4.6.11 The following residential properties were identified as the nearest NSRs to the Proposed Development for the assessment of direct impacts:
- Properties on Saltview Terrace, Port Clarence (NSR1), to the south west, approximately 2.5km from the nearest operational noise sources on the Main Site and construction activities;

- Properties on Marsh House Lane, Greatham (NSR2), to the north west, approximately 2.9km from operational noise sources on the Main Site and nearest construction activities;
 - Properties on Upper Graham Street, South Bank (NSR3), to the south, approximately 2.8km from operational noise sources on the Main Site and 2km from nearest construction activities;
 - Properties on Cowpen Lane, Cowpen Bewley (NSR4), to the west, approximately 3.5km from operational noise sources on the Main Site and 2.8km from nearest construction activities; and
 - Properties on Wilton Avenue, Dormanstown (NSR5), to the south east, approximately 4km from operational noise sources on the Main Site and 1.8km from nearest construction activities, but less than 300m away from a vehicular (including Heavy Goods Vehicles (HGVs)) access route within the Proposed Development.
- 4.6.12 The above residential NSR are all greater than 1km from the Proposed Development and therefore outside of the 300m study area for direct effects. On this basis, the ES concludes that **significant construction noise effects are not predicted at these receptors.**
- 4.6.13 For indirect impacts from construction traffic, a 50m Study Area from public roads with an expected increase in baseline noise level of 1 dB(A) or more (due to the addition construction traffic) has been adopted. This is in line with the guidance in the DMRB LA 111 [Ref 16] which does not require the assessment of effects at receptors more than 50m from works.
- 4.6.14 The only residential NSR located within the vicinity of construction related activity are at Dormanstown, approximately 220m from an access route within the Proposed Development. Based on a worst-case scenario noise from construction related traffic on the access road is predicted to be below the significance threshold for adverse impacts as such **no significant effects are predicted.**
- 4.6.15 The following residential properties are scoped in for construction road traffic noise assessment of indirect impacts:
- Properties in north Billingham, to the north west, within 50m of the A1185.
- 4.6.16 Information on construction traffic routes and flows on public roads is provided in **Chapter 18 Traffic and Transportation (ES Volume I, Application Document Ref. 6.1)**. Using guidance to DMRB LA 111 [Ref 16], the assessment showed there to be an increase of 1.1dB(A) due to construction traffic at residential receptors located on the north side of

Billingham within the 50m Study Area of the A1185. This magnitude of impact at the residential NSRs is assessed as a **minor adverse impact, which is not a significant effect.**

Operational phase

- 4.6.17 **ES Volume I Chapter 9: Noise and Vibration (Application Document Ref. 6.1)** includes an assessment of the impacts of noise and vibration during the operational phase. The activities on the Main Site most likely to give rise to noise impacts are the following:
- Feedstock reception and storage, including ship unloading and conveyance plant from the quay to storage;
 - SAF production, including gasification plant;
 - CHP plant;
 - Exhaust stacks (including from the CHP plant and SAF Production Facility); and
 - Ventilation and temperature control plant such as fans, coolers, heaters.
- 4.6.18 Emergency plant has not been included as part of the prediction model, as it will not contribute to the typical operational noise. This includes flares, which will only be used for safety reasons or non-routine operational conditions.
- 4.6.19 The Proposed Development includes the following noise and vibration embedded mitigation:
- Selecting the location of plant and equipment within the Proposed Development to minimise potential noise impacts;
 - Orienting plant within the Proposed Development to use buildings and structures as noise barriers or positioning noise emitting items such as stacks, fans and air inlets away from sensitive receptors;
 - Specific noise limits for plant items and operations and selection of low noise plant items;
 - Reducing breakout noise from plant using acoustic enclosures or by housing them within a building;
 - Reducing noise emissions associated with ventilation by resizing, low-noise fans, and providing attenuators or acoustic louvres; and
 - Acoustic barriers in the form of either fences/screens and/or earth bunds.

- 4.6.20 In addition, plant will be maintained in accordance with manufacturer specifications.
- 4.6.21 The assessment of the impact from operational noise from stationary sources within the Main Site residential NSR above was undertaken. The results of the assessment showed there to be a low impact at all considered residential NSRs. Therefore, operational noise is assessed as a **not significant effect**.
- 4.6.22 For indirect impacts from operational traffic, a 50m Study Area from existing public roads with an expected short-term increase in baseline noise level of 1 dB(A) or more due to the Proposed Development has been adopted. The assessment identified an increase of 1.1dB(A) due to operational traffic at residential receptors located on the north side of Billingham within the 50m Study Area of the A1185. In accordance with DMRB LA 111 Guidance [Ref 16], the effect from operational traffic is considered to be **not significant**.

Decommissioning phase

- 4.6.23 The works which take place during the decommissioning phase of the Proposed Development are expected to be similar or lower in magnitude than those required for construction. The quay and associated infrastructure are expected to be retained for future use by third parties and will not be decommissioned at the same time as the rest of Proposed Development.
- 4.6.24 A DEMP will be produced and agreed with the Environment Agency as part of the Environmental Permit and site surrender process. The DEMP will consider in detail all potential environmental risks and contain guidance on how risks can be removed, mitigated or managed. Appropriate good practice mitigation measures will be applied during any decommissioning works and documented in a DEMP.
- 4.6.25 Further to a requirement in Schedule 2 of the **draft DCO (Application Document Ref. 3.1)**, a DEMP will also be produced and submitted to the relevant planning authority for approval prior to the commencement of any decommissioning activities for that part. The DEMP will ensure that all decommissioning works are undertaken in accordance with good industry practice as the time of decommissioning.

4.7 [EPA 1990 Section 79\(1\) \(h\) Any Other Matter Declared by any Enactment to be a Statutory Nuisance](#)

[Traffic and abnormal loads](#)

- 4.7.1 Traffic associated with the construction, operation (including maintenance) and decommissioning of the Proposed Development have been assessed as part of the **ES Volume I Chapter 18: Traffic and Transport (Application Document Reference 6.1)**.

- 4.7.2 The traffic and transport assessment considers the local and strategic highway network, within a defined Study Area which includes key routes connecting the Proposed Development to the wider road network including the A178, A1185, A689 and A19. For further details on the Study Area see the **ES Volume I Chapter 18: Traffic and Transport (Application Document Ref. 6.1)**. These routes form the main access corridors for construction and operational traffic.
- 4.7.3 Construction phase
- 4.7.4 During the construction phase traffic would comprise workforce travel, deliveries of plant/equipment, and materials. It is anticipated that construction will commence early 2028 over a period of up to 48 months ending Q4 2031, with the peak period for construction anticipated to be in Q4 2030 requiring approximately 2,200 workers per day.
- 4.7.5 Construction traffic would be concentrated around defined shift change periods, with the highest volumes occurring during early morning arrivals and late afternoon and evening departures, consistent with assessed construction working hours. Deliveries of materials are likely to be scheduled arrive outside of construction hours to avoid impact on the local highway network.
- 4.7.6 The **fCEMP (Appendix 5A, ES Volume III, Application Document Ref. 6.3)** includes a requirement for a detailed Construction Traffic Management Plan (CTMP) to be produced and implemented outlining management measures for traffic and any abnormal loads during the construction phase of the Proposed Development. In addition, there will also be a requirement to prepare a Construction Worker Travel Plan (CWTP). The CWTP and CTMP are secured by Schedule 2 (Requirements) of the **draft DCO (Application Document Ref. 3.1)**.
- 4.7.7 Road transported Abnormal Loads (ALs), where required for the delivery of large plant or equipment, may be scheduled to arrive outside of construction hours to avoid impact on the local highway network, in agreement with the Local Planning Authority in accordance with the Requirement in Schedule 2 of the **draft DCO (Application Document Ref. 3.1)**, where this is identified to have a lesser impact on the local highway network, though this will be considered on a case-by-case basis.
- 4.7.8 For the purposes of the traffic and transport assessment presented in **ES Volume I Chapter 18: Traffic and Transport (Application Document Ref. 6.1)**, receptors are defined as highway links and their surrounding environments within the Study Area, representing the locations where people and land uses may be affected by changes in traffic flows.

- 4.7.9 The increase in traffic flows, including HGVs, associated with the construction of the Proposed Development will result in some increases in traffic flows. Environmental Assessment of Traffic and Movement Guidelines [Ref 20] set out the significance criteria for traffic and transport impacts. The guidelines suggest that changes in total traffic flow of 30%, 60% and 90% result in slight, moderate and substantial changes in severance respectively.
- 4.7.10 The predicted change in total traffic (and HGV component) associated with the construction of the Proposed Development exceeds 50% at one receptor (Link 1 - Site access road (East of Seal Sands Roundabout)), resulting in a medium magnitude impact. In accordance with the significance criteria set out in **Chapter 18: Traffic and Transport (ES Volume I, Application Document Ref. 6.1)**, the magnitude of impact is combined with the receptor sensitivity to determine the significance of effect. For Link 1, a medium magnitude impact results in a **minor adverse (not significant)**. All other links are expected to experience very low or low magnitude of impact and, therefore, the effect of severance is regarded as **negligible or minor adverse (not significant)** on all other links.

Operational phase

- 4.7.11 During operation, traffic associated with the Proposed Development would comprise workforce movements and deliveries of SAF feedstock, biomass, wood waste, other materials and export of SAF, naphtha and associated waste materials. Operational traffic has been assessed in **ES Volume I Chapter 18: Traffic and Transport (Application Document Ref. 6.1)** on a reasonable worst case basis, assuming that all materials are transported by road.
- 4.7.12 Once the facility is in operation, the Proposed Development will employ approximately 322 personnel for support roles, analytical services and security as workload requires. In addition, there will be a maximum of 141 two-way HGV movements to/from the Site in the operational phase, associated with the import of feedstock and processing materials and export of SAF, naphtha and associated waste materials. This is based on an estimated 58 HGV movements associated with export and 65 movements associated with import activities. A 15% contingency allowance has been applied to estimate the worst-case scenario for operational HGV movements in the event of the import and export materials having to travel 100% by road.
- 4.7.13 Based on the criteria outlined in paragraph 4.7.9 above, the results of the assessment show that across all the highway links within the Study Area, none of the highly sensitive links show a greater than 10% increase in total

traffic flows or, for all other links, a greater than 30% increase in total traffic or the HGV component, and therefore the traffic generated associated with the operational phase is **not likely to result in significant effects**.

Decommissioning

- 4.7.14 Detailed information on decommissioning is not yet available due to the assumed 25-year design life of the Proposed Development, which may be extended depending on market conditions and plant performance. Decommissioning activities are expected to generate some traffic associated with the removal and recycling of materials, and the potential import of materials for site restoration. However, traffic levels are not anticipated to exceed those experienced during the construction phase.
- 4.7.15 The baseline traffic data used in this assessment will not be representative at the time of decommissioning. Nevertheless, it is not expected that background traffic levels on the local road network will reduce significantly. As such, any increase in traffic during decommissioning is predicted to be **negligible (not significant)**, with overall effects no greater than those identified during construction.

5 Conclusion

- 5.1.1 This Statement has identified the matters set out in Section 79(1) of the EPA 1990 in respect of statutory nuisance and considers whether the Proposed Development could cause a statutory nuisance. Sections 79(1)(a), (b), (c), (d), (e), (fb), (g), (ga) and (h) have been identified as relevant and have been addressed within this Statement. Sections 79(1)(f) and 79(1)(fa) have not been addressed on the basis that the Proposed Development does not involve the keeping of animals and is not expected to give rise to conditions that would lead to accumulations or pests, insects and vermin.
- 5.1.2 Potential nuisance aspects have been considered and through embedded mitigation or additional mitigation no statutory nuisance effects are considered likely to occur.
- 5.1.3 The operation of the Proposed Development would be regulated by the EA under the Environmental Permit and would undergo regular monitoring and reporting. Embedded mitigation and appropriate controls will be secured as appropriate through management plans and requirement within the DCO. As a result, it is not expected that the construction, operation, maintenance or decommissioning of the Proposed Development would engage Section 79(1) and give rise to any statutory nuisance under the EPA 1990. It is therefore appropriate to include a defence against certain specific statutory nuisance proceedings (as outlined at paragraph 5.1.1 above) within the Order (Article 42).

References

- Ref 1 UK Government (2008) Planning Act 2008. Available online: <https://www.legislation.gov.uk/ukpga/2008/29/contents> [Accessed June 2026]
- Ref 2 UK Government (2009), The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 [Accessed June 2026]
- Ref 3 UK Government (1990), Environmental Protection Act (EPA) 1990.
- Ref 4 Department for Energy Security & Net Zero, (2025), Overarching National Policy Statement for Energy (EN-1). Available online: <https://assets.publishing.service.gov.uk/media/695d1015f41883f4e50ed9ab/overarching-national-policy-statement-for-energy-en-1-web-accessible.pdf> [Accessed June 2026]
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