



LIGHTHOUSE GREEN FUELS PROJECT

Preliminary Environmental Information Report

Chapter 4: Energy and Planning Policy

The Inspectorate Reference: EN010150

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Volume 1



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4. ENERGY AND PLANNING POLICY

4.1. INTRODUCTION

- 4.1.1. This Chapter provides an overview of the planning and energy policies of relevance to the Proposed Scheme, and where those policies identify the need for the Proposed Scheme.
- 4.1.2. The DCO application will include a Planning Statement that will set out in more detail the policy of relevance to the Proposed Scheme and include an assessment of how it complies with that policy.
- 4.1.3. The following planning and energy policy is relevant to the Proposed Scheme and are considered throughout this Chapter:
- National Policy Statements for Energy;
 - Energy and Climate Change Policy;
 - The National Planning Policy Framework;
 - Local Planning Policy and;
 - The Levelling Up and Regeneration Act (LURA).
- 4.1.4. This Chapter should be read alongside **Appendix 4A: Policy, Legislation and Guidance (Volume 3)**. This Appendix details an explanation of policy, legislation and guidance of relevance to the Proposed Scheme and the assessments of each technical topic scoped into the Environmental Statement (ES) (**Chapter 5: Air Quality (Volume 1)** to **Chapter 19: Cumulative Effects (Volume 1)**).

4.2. NATIONAL POLICY STATEMENTS FOR ENERGY

- 4.2.1. Under The Planning Act 2008 (PA 2008) regime¹, the policy framework for examining and determining applications for development consent is provided by National Policy Statements (NPSs). The NPSs are the primary policy used by the relevant Secretary of State (SoS) to examine and determine applications for Nationally Significant Infrastructure Projects (NSIPs).
- 4.2.2. Section 104 of the PA 2008 provides that, in deciding the application for a Development Consent Order (DCO), the SoS must have regard to:
- any relevant NPSs;
 - the appropriate marine policy documents;
 - any matters prescribed in relation to development of the description to which the application relates; and
 - any other matters the SoS thinks are both important and relevant to their decision.

- 4.2.3. The SoS must decide the application in accordance with any relevant NPS unless it would:
- lead to the UK being in breach of its international obligations;
 - be in breach of any statutory duty that applies to the SoS;
 - be unlawful;
 - result in the adverse impacts of the development outweighing the benefits; or
 - be contrary to any condition prescribing how decisions regarding an NSIP application are to be taken.
- 4.2.4. The Applicant is waiting for a revised Direction from the SoS to confirm all the development included in Proposed Scheme constitutes an NSIP energy scheme.
- 4.2.5. Where no NPS has effect in relation to an NSIP, Section 105 of the PA 2008 applies. This allows the SoS to decide whether elements of a development proposal not listed as nationally significant under Section 14 of the PA 2008 can be considered part of an NSIP. This can be the case for some features of the Proposed Scheme. These include:
- the main gasification facility;
 - the hydro-processing units; and
 - the Sustainable Aviation Fuel (SAF) product storage units.
- 4.2.6. In such instances, Section 105 states that in deciding the application the SoS must have regard to:
- any relevant local impact report produced by the relevant local planning authority;
 - any matters prescribed in relation to development of the description to which the application relates; and
 - any other matters which the SoS thinks are both important and relevant to their decision.

STATUS OF NPSS

- 4.2.7. Under the PA 2008 regime, the policy framework for examining and determining applications for development consent is provided by National Policy Statements (NPSs). The NPSs are the primary policy used by the relevant SoS to examine and determine DCO applications.
- 4.2.8. The revised NPSs for energy infrastructure were published by the Government on 22 November 2023 and were designated on 17 January 2024. The revised NPSs are therefore relevant policy for applications for development consent submitted and accepted for examination following their designation.
- 4.2.9. The following revised energy NPSs are of relevance to the Proposed Scheme:
- NPS for Energy (EN-1)²;
 - NPS for Natural Gas Electricity Generating Infrastructure (EN-2)³; and
 - NPS for Electricity Networks Infrastructure (EN-5)⁴.

EN-1

- 4.2.10. Paragraph 2.1.3 of EN-1⁵ states that *“To produce the energy required for the UK and ensure it can be transported to where it is needed, a significant amount of infrastructure is needed at both local and national scale. High quality infrastructure is crucial for economic growth, boosting productivity and competitiveness”*.
- 4.2.11. Paragraph 3.3.3 states that *“To ensure that there is sufficient electricity to meet demand, new electricity infrastructure will have to be built to replace output from retiring plants and to ensure we can meet increased demand”*.
- 4.2.12. Paragraph 3.3.58 emphasises that *“Given the urgent need for new electricity infrastructure and the time it takes for electricity NSIPs to move from design conception to operation, there is an urgent need for new (and particularly low carbon) electricity NSIPs to be brought forward as soon as possible, given the crucial role of electricity as the UK decarbonises its economy”*.
- 4.2.13. Paragraph 3.4.4 recognises that *“We need a diverse mix of gas supply infrastructure including pipelines, storage and reception facilities in order to meet our energy objectives”*.
- 4.2.14. Section 4.2 of EN-1 ‘The critical national priority for low carbon infrastructure’ outlines at paragraph 4.2.1 that the government has fully committed by 2035, subject to security of supply, to underpin its 2050 net zero ambitions.
- 4.2.15. Paragraph 4.2.2 explains that *“the UK’s strategy to increase supply of low carbon energy is dependent on deployment of renewable and nuclear power generation, alongside hydrogen and CCUS. Our energy security and net zero ambitions will only be delivered if we can enable the development of new low carbon sources of energy at speed and scale.”*
- 4.2.16. With smart and strategic planning paragraph 4.2.3 adds that *“the UK can maintain high environmental standards and minimise impacts while increasing the levels of deployment at the scale and pace needed to meet our energy security and net zero ambitions.”*
- 4.2.17. Paragraph 4.2.4 explains that the *“Government has therefore concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure”*. It is outlined in paragraph 4.2.5 that this includes for electricity generation, all onshore generation that does not involve fossil fuel combustion including other plants that convert residual waste into energy, providing they meet existing definition of low carbon.

EN-2

- 4.2.18. EN-2⁶ covers onshore natural gas-fired electricity generating infrastructure. It includes updates to reflect the role of natural gas in the transition to low carbon and net zero.
- 4.2.19. Paragraph 2.3.3 points out that natural gas generation stations are likely to be proposed for coastal or estuarine sites or inland river and that risks from flooding or rising sea levels are likely to increase. Therefore, applicants should in particular set out how the proposal would be resilient to coastal changes and increased risk from storm surge; for

inland projects, increased risk of flash flooding from surface water or rivers; effects of higher temperatures, including higher temperatures of cooling water; and increased risk of drought leading to a lack of available cooling water.

EN-5

- 4.2.20. Paragraph 1.1.1 of N-5⁷ recognises that *“The security and reliability of the UK’s current and future energy supply is highly dependent on having an electricity network which will enable the new electricity generation, storage, and interconnection infrastructure that our country needs to meet the rapid increase in electricity demand required to transition to net zero, while maintaining energy security.”*
- 4.2.21. Paragraph 1.1.5 states that *“As identified in EN-1 government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.”*

4.3. MARINE POLICY STATEMENTS & PLANS

UK MARINE POLICY STATEMENT (MARCH 2011)⁸

- 4.3.1. Section 104 of the PA 2008 requires the SoS to have regard to *“...the appropriate marine policy documents...”* relevant to the NSIP. Elements of the Proposed Scheme may involve works within the UK Marine Area.
- 4.3.2. The appropriate marine policy documents are defined at Section 59 of ‘The Marine and Coastal Access Act 2009⁹. These include any marine policy statement which is in effect and to the extent that a decision relates to a marine plan area, any marine plan which is in effect for that area (Section 59(3) and (5)).
- 4.3.3. The UK Marine Policy Statement (‘MPS’), adopted in March 2011, provides the policy framework for preparing marine plans and taking decisions affecting the marine environment. It has been prepared and adopted for the purposes of Section 44 of the Marine and Coastal Access Act 2009 and is intended to sit alongside terrestrial consenting regimes, including the PA 2008 regime. The MPS was subject to updates in September 2020 relating to how references to EU law should be interpreted from 1 January 2021 following the UK’s withdrawal from the EU.
- 4.3.4. Chapter 2 of the MPS outlines the vision for the UK marine area, the high-level approach to marine planning and general principles for decision making covering economic, social, and environmental considerations. It also covers detailed considerations relevant to developments such as marine ecology and biodiversity; air quality; noise; water quality and resources; seascape; historic environment; climate change adaptation and mitigation; and coastal change and flooding.
- 4.3.5. UK MPS, adopted in March 2011, provides the policy framework for preparing marine plans and taking decisions affecting the marine environment. It has been prepared and adopted for the purposes of Section 44 of the MCAA 2009 and is intended to sit alongside terrestrial consenting regimes, including the PA 2008 regime. The MPS was subject to updates in September 2020 relating to how references to European Union

(EU) law should be interpreted from 1 January 2021 following the UK's withdrawal from the EU.

- 4.3.6. Chapter 3 sets out the policy objectives for key activities that take place in the marine environment. Section 3.3 deals specifically with 'Energy production and infrastructure development'. Paragraph 3.3.1 notes that a secure, sustainable, and affordable supply of energy is of central importance to the economic and social well-being of the UK. Paragraph 3.3.4 sets out issues that decision maker should take into account when examining and determining applications for energy infrastructure.

GUIDANCE TO THE MARINE POLICY STATEMENT 2021

- 4.3.7. The Guidance¹⁰ which was updated in September 2020 is jointly agreed by the policy authorities and explains how references to EU law in the UK Marine Policy Statement (MPS) should be interpreted from 1 January 2021 following the UK's withdrawal from the EU.
- 4.3.8. The European Union (Withdrawal) Act 2018 will convert many EU measures into UK law. Former EU measures converted into UK law are referred to as 'retained EU law' with statutory instruments amending the retained EU law to ensure it is operable.
- 4.3.9. References in the MPS to EC or EU legislation, EU legislative requirements, European legislation and EU requirements are to be read as references to retained EU law from 1 January 2021.

NORTH EAST INSHORE AND NORTH EAST OFFSHORE MARINE PLAN (JUNE 2021)¹¹

- 4.3.10. Marine plans are intended to set out detailed policy and spatial guidance for a particular area. The UK is divided into a number of marine planning regions with associated plan authorities that are responsible for preparing marine plans. In England the Marine Management Organisation ('MMO') is the plan authority. Marine plans are a material consideration.
- 4.3.11. The Site lies within the 'North East Inshore Marine Area', which stretches from Flamborough Head in Yorkshire to the Scottish Border. The Plan Area has three main tidal rivers, including the River Tees.
- 4.3.12. The North East Marine Plan is intended to provide a strategic approach to decision-making, considering future use and providing a clear approach to managing resources, activities and interactions within the area. In referring to Teesside, Tyneside and Wearside (paragraph 14), the Plan identifies that these are industrial areas, with important manufacturing heritage. North Sea oil and gas reserves mean that oil and gas production and processing are important activities in the North East Marine Plan areas, with product being transferred to shore via pipelines, for example at Teesside.
- 4.3.13. Table 2 of the Plan contains a number of policies. There are no specific policies on waste to fuel aviation fuel facilities.
- 4.3.14. Policy NE-INF-1 supports appropriate land-based infrastructure which facilitates marine activity and vice versa.

- 4.3.15. Policy NE-INF-2 supports the protection of landing facilities in the north east inshore marine area and confirms these are critical for enabling industries. By protecting existing landing facilities, identifying the difference in safeguarding, NE-INF-2 mirrors similar provisions in terrestrial planning and supports the continued operation of vital existing landing facilities.
- 4.3.16. Policy NE-CO-1 supports proposals that optimise the use of space and incorporate opportunities for co-existence and cooperation with existing activities. It acknowledges that the north east marine plan areas, and in particular the inshore area, are likely to be busier in the future, and use of the space may become limited. The policy ensures that new proposals will avoid creating conflicts and to minimise their footprint where possible.
- 4.3.17. Policy REN-1 confirms that proposals that enable the provision of renewable energy technologies and associated supply chains, will be supported. Renewable energy technologies contribute to the diversification and decarbonisation of the electricity grid. NE-REN-2 protects areas identified for energy developments from other activities that could affect the sites ability to generate energy. It enables the development of safe, profitable and efficient marine businesses.
- 4.3.18. Supporting development associated with industrial clusters also aims to enhance connectivity between marine operations and land infrastructure. This policy will also benefit employment in coastal communities near industrial clusters, supporting the NE - INF1 and NE -EMP -1 policies.
- 4.3.19. It is considered that the Proposed Scheme is consistent with policy contained within the UK Marine Policy Statement and the North East Marine Plan.

4.4. ENERGY AND CLIMATE CHANGE POLICY

- 4.4.1. As noted above, Sections 104 and 105 of the PA 2008 set out the matters that the SoS must have regard to in determining applications for development consent, which can include any other matters which the SoS thinks are “*important and relevant*” to their decision. Other matters that the SoS may consider important and relevant include recent UK energy and climate change policy and strategy, which is described further in this section.
- 4.4.2. The Proposed Scheme will support the overarching objective of the Government to continue transitioning the UK to a low carbon economy and meeting the legally binding target of net zero greenhouse gas emissions by 2050. The recent energy and climate change policy that are relevant include:
- The Ten Point Plan for a Green Industrial Revolution (November 2020)¹²;
 - The Energy White Paper (December 2020)¹³;
 - Industrial Decarbonisation Strategy (March 2021)¹⁴;
 - Net Zero Strategy: Build Back Greener (October 2021)¹⁵;
 - British Energy Security Strategy (April 2022)¹⁶;
 - Jet Zero Strategy (July 2022)¹⁷;

- Pathway to Net Zero aviation: developing the UK sustainable aviation fuel mandate (March 2023) ¹⁸;
- Powering Up Britain (March 2023) ¹⁹; and
- The Second National Infrastructure Assessment (October 2023) ²⁰.

THE TEN POINT PLAN FOR A GREEN INDUSTRIAL REVOLUTION (NOVEMBER 2020)

- 4.4.3. *'The Ten Point Plan for a Green Industrial Revolution – Building back better, supporting green jobs, and accelerating out path to net zero'*, was published on 18 November 2020. The objective of the Plan is to deliver a 'Green Industrial Revolution' in the UK. In his foreword the Prime Minister states the governments' aim is to mobilise £12 billion of government investment and potentially three times as much from the private sector, to create and support up to 250,000 green jobs.
- 4.4.4. *'Point 6: Jet Zero and Green Ships'* sets out immediate steps to drive the uptake of SAF. A Jet Zero Council has been established as a sector-wide partnership to accelerate the development and adoption of new technologies to help develop a strategy to reach net zero aviation. In addition, £15 million is being invested into FlyZero which is a 12-month study into the strategic, technical, and commercial issues in designing and developing zero-emission aircraft that could enter service in 2030. Furthermore, a £15 million competition will be run to support the production of SAF in the UK.
- 4.4.5. *'Point 10: Green Finance and Innovation'* sets out the vision for the UK to be a global leader in the technologies needed to decarbonise our economies and transition to net zero. It states *'To accelerate the commercialisation of innovative low-carbon technologies, systems and processes in the power, buildings, and industrial sectors, we will launch the £1 billion Net Zero Innovation Portfolio. The portfolio will focus on ten priority areas that correspond with this Ten Point Plan, including... energy storage and flexibility; bioenergy; industrial fuel switching...'* Point 10 also highlights that there will be £100 million provided for Energy Storage and Flexibility innovation challenges.

THE ENERGY WHITE PAPER (DECEMBER 2020)

- 4.4.6. The Energy White Paper 'Powering our Net Zero Future' ('EWP') ¹³ was presented to Parliament in December 2020 and builds on the Ten Point Plan. At the core of the EWP is the commitment to tackle climate change and achieve net zero. The EWP seeks to put in place a strategy for the wider energy system that transforms energy, supports a green recovery, and creates a fair deal for consumers (page 4). As with the Ten Point Plan, the EWP confirms the Government's support for new hydrogen technologies and carbon capture and storage (CCS), drawing upon the resources provided by the North Sea.
- 4.4.7. The Government estimates (page 15) that the measures in the EWP could reduce emissions across power, industry, and buildings by up to 230 metric tonnes (Mt) CO₂ in the period to 2032 and enable further savings in other sectors such as transport. In doing so, these measures could support up to 220,000 jobs per year by 2030. These figures include the energy measures from the Ten Point Plan as well as additional

measures set out in the EWP. However, the EWP recognises that more will need to be done to meet key milestones on the journey to net zero.

- 4.4.8. The EWP (pages 16 to 17) provides an overview of the Government's key commitments to put the UK on a course to net zero. These are grouped under a number of headings and include:

"SUPPORT A GREEN RECOVERY FROM COVID-19 ...

- *Increasing the ambition in our Industrial Clusters Mission four-fold, aiming to deliver four low-carbon clusters by 2030 and at least one fully net zero cluster by 2040.*
- *Investing £1 billion up to 2025 to facilitate the deployment of CCUS in two industrial clusters by the mid-2020s, and a further two clusters by 2030, supporting our ambition to capture 10Mt per year by the end of the decade."*

- 4.4.9. Chapter 2 'Power' of the EWP sets out how it is proposed to decarbonise the power sector in terms of generation of electricity. This includes an expansion of other low-cost renewable technologies in addition to offshore wind. This proposal is aligned with the Ten Point Plan which suggests continuing to hold regular Contracts or Difference (CfD) auction rounds every two years to bring forward a range of low-cost renewable technologies. Subject to projects coming forward, the intention is to double the capacity awarded in the last round with the aim to deploy around 12GW of low-cost renewable generation.
- 4.4.10. Chapter 2 also sets out the how it is proposed to achieve net zero aviation, including establishing the Jet Zero Council to accelerate the development and adoption of new technologies, and investing £15 million into FlyZero as well as running a £15 million competition to support the production of SAF in the UK, which is aligned with Point 6 set out in the Ten Point Plan.
- 4.4.11. Chapter 5 'Industrial Energy' sets out the goal for emissions from industry to fall by around 90% from today's levels by 2050. In order to achieve this (page 118) the Government will:
- "Create a sustainable future for UK manufacturing industry through improved energy efficiency and the adoption of clean energy technologies".*
- 4.4.12. The EWP confirms that manufacturing and refineries, which form the bulk of industrial emissions, still account for around 1% of the UK's greenhouse gas emissions. About half of those emissions are concentrated in the UK's six major industrial clusters. This includes Teesside (Figure 8.1, page 121) which accounts for 3.9 Mt CO₂e of emissions (2018 figures).
- 4.4.13. In order to transform industrial energy, the EWP (page 122) states that we cannot rely on energy efficiency alone to reduce emissions in line with the Government's 2050 goal. The manufacturing industry will also need to capture its carbon for onward transport and storage and switch from using fossil fuels to low-carbon alternatives.
- 4.4.14. In order to bring about change in the industry, the EWP includes a commitment (page 124) to increase the 'Industrial Clusters Mission' to support the delivery of four low-carbon industrial clusters by 2030 and at least one fully net zero cluster by 2040.

INDUSTRIAL DECARBONISATION STRATEGY (MARCH 2021)

- 4.4.15. The Industrial Decarbonisation Strategy¹⁴ is the first strategy published by a major economy, which sets out how industry can be decarbonised in line with net zero, while remaining competitive and without pushing emissions abroad. It builds on the Ten Point Plan and sets out the Government's vision for a prosperous, low carbon UK industrial sector by 2050, and aims to provide industry with the long-term certainty it needs to invest in decarbonisation.
- 4.4.16. The Ministerial Foreword (page 6) emphasises that the 2020s will be crucial to industrial decarbonisation, with the UK needing to deploy key technologies such as CCUS while beginning the journey of switching from fossil fuel combustion to low carbon alternatives such as electricity and bioenergy.
- 4.4.17. Chapter 4 'Adopting low-regret technologies and building infrastructure' states "*To be on track to deliver net zero, we expect that the minimum, in all future scenarios, is 20 TWh per year of fossil fuel use replaced with low carbon alternatives in 2030*". It goes on to state that "*Current evidence strongly suggests that, given limited sustainable biomass supply, we may need to prioritise the use of biomass where it can be combined with carbon capture and storage (BECCS), resulting in negative emissions*".

NET ZERO STRATEGY: BUILD BACK GREENER (OCTOBER 2021)

- 4.4.18. The 'Net Zero Strategy: Build Back Greener'¹⁵ expands on key commitments in the Ten Point Plan and the EWP and sets out the next steps the Government proposes to take to cut emissions, seize green economic opportunities and leverage further private investment into Net Zero. The Strategy sets an indicative delivery pathway for emissions reductions to 2037 by sector. It is intended to put the UK on the path for Carbon Budget 6²¹ and ultimately on course for net zero by 2050.
- 4.4.19. Net Zero refers to the ultimate ambition by 2050 of reducing emissions to as close to zero as possible, with the small amount of remaining emissions absorbed by natural sinks such as forest or through new technologies like carbon capture.
- 4.4.20. One of the key policies set out in relation to transport is to "*Aim to become a world-leader in zero emission flight and kick-starting the commercialisation of the UK sustainable aviation fuel (SAF) so people can fly and connect without guilt. Our ambition is to enable delivery of 10% SAF by 2030 and will be supporting UK industry with £180 million funding for the development of SAF plants*". This policy is aligned with Point 6 set out in the Ten Point Plan.

BRITISH ENERGY SECURITY STRATEGY (APRIL 2022)

- 4.4.21. The British Energy Security Strategy was published in April 2022¹⁶ largely in response to soaring energy prices as a result of a sudden surge in demand following the COVID-19 pandemic, compounded by the Russian invasion of Ukraine. Much of the focus of the Energy Strategy is upon providing financial assistance to families and businesses struggling with higher energy bills, but it also looks at improved energy efficiency, reducing the amount of energy we need and addressing the underlying vulnerability to

international oil and gas prices by reducing the UK's dependence on imported oil and gas.

- 4.4.22. The Strategy aims to expand the UK's renewable capacity by investing in the North Sea so that we are not wholly dependent on other countries for fuel, from industrial production to net zero aviation.

JET ZERO STRATEGY (JULY 2022)

- 4.4.23. Jet Zero Strategy¹⁷ includes a 5-year delivery plan, setting out how the Government will achieve net zero aviation by 2050. The Strategy sets out the Government's vision for decarbonising aviation, focussing on the development of technologies in a way that maintains the benefits of air travel, especially post COVID-19, whilst maximising the opportunities that decarbonisation can bring for the UK.
- 4.4.24. The Strategy points out that SAF is currently commercially available, but not at the scale that is required to decarbonise the aviation sector. Therefore, the Government is committed to having at least five UK SAF plants under construction by 2025 and a SAF mandate in place with a target of at least 10% SAF by 2030. It also emphasises the Government's proactivity in *"looking at how to create the long-term conditions for investable projects in the UK, by continuing to engage stakeholders to gather key evidence and determine what further measures industry or government might be able to take"*.

PATHWAY TO NET ZERO AVIATION; DEVELOPING THE UK SUSTAINABLE AVIATION FUEL MANDATE (MARCH 2023)

- 4.4.25. The UK SAF mandate has emerged from the ambitions of the Jet Zero Strategy to increase the scale of SAF. It aims to create a market led demand for SAF, achieve greenhouse gas emissions savings and provide price support for SAF.
- 4.4.26. A consultation of the SAF mandate entitled Pathway to net zero aviation: developing the UK sustainable aviation fuel mandate was run by the government between 30 March-22 June 2023.

POWERING UP BRITAIN (MARCH 2023)

- 4.4.27. The DESNZ published 'Powering up Britain'¹⁹ and constituent documents in March 2023 which include 'Powering up Britain: Energy Security Plan' and 'Powering Up Britain: Net Zero Growth Plan'.
- 4.4.28. "Powering up Britain" sets out the Government's priority to be energy independent in light with the invasion in Ukraine. It highlights the Government's mission to replace fossil fuels with renewable energy. It also confirms that the Government is making positive progress towards zero emission flights.
- 4.4.29. 'Powering Up Britain: Net Zero Growth Plan' further sets out the steps that the DESNZ is taking to ensure the UK is more energy independent, secure, and resilient. It recognises the targeted public investment that the Government has delivered for SAFs, for example, through the Advanced Fuels Fund. The Plan sets out key commitments in the transport sector, which include welcoming the Independent Review of Net Zero's

recognition of the important role for low carbon fuels (LCFs) in decarbonising sectors such as aviation and maritime. It states, “*We continue to make progress delivering on our ambitions for a thriving domestic Sustainable Aviation Fuel (SAF) market, supported by a comprehensive policy package that includes a further consultation on our SAF mandate, responding to the Government-commissioned independent evaluation of developing a sustainable long term UK SAF industry, and launching a second application window for the £165 million Advanced Fuels Fund*”.

THE SECOND NATIONAL INFRASTRUCTURE ASSESSMENT (OCTOBER 2023)

- 4.4.30. The National Infrastructure Commission (NIC) is an executive agency of the HM Treasury established in 2017 which provides the government with impartial, expert advice on major long term infrastructure challenges. The Commission advises government on all sectors of economic infrastructure, defined as: energy, transport, water and wastewater (drainage and sewerage), waste, flood risk management and digital communications. One of the key outputs of the NIC is to produce a five-year analysis report of the UK’s long term economic infrastructure needs.
- 4.4.31. On 18 October 2023 the Second National Infrastructure Assessment (NIA2) was published which established a number of recommendations for the government in relation to National Infrastructure.
- 4.4.32. A common thread of the recommendations under the energy and reaching net zero section of the report is for the UK to decarbonise by continuing to move away from fossil fuels and instead moving to technology that directly generates electricity.
- 4.4.33. The report acknowledges that this will be an appropriate solution for most sectors but does recognise that new networks for low carbon hydrogen and carbon capture storage will also support a decarbonised economy. It is stated that the ‘*Government should coordinate and support the delivery of hydrogen and carbon capture and storage infrastructure across the country to facilitate decarbonisation where electrification is not a viable option.*’
- 4.4.34. The ambitions for carbon capture storage, relevant to the carbon capture element of the Proposed Scheme manifest themselves in both recommendation 2 and recommendation 4 of the report. Recommendation 2 establishes that the Government should ‘*...ensure that by 2030 multiple large scale power stations are deployed for both gas generation with carbon capture and storage and hydrogen fired generation...*’
- 4.4.35. Recommendation 4 establishes that the Government should phase out all unabated gas fired generation so that it generates less than two percent of electricity by 2035. It follows that actions to deliver this should include ‘*ensuring that carbon capture and storage enabled, and hydrogen fired electricity generation stations deploy ahead of unabated gas power stations, through a combination of carbon pricing and emissions limits on new and existing unabated gas power stations.*’

4.5. NATIONAL PLANNING POLICY FRAMEWORK

- 4.5.1. The NPPF²², introduced in March 2012 (updated December 2023), sets out the Government’s planning policies for England. It is a material consideration in planning

decisions. Although Paragraph 5 of the NPPF confirms that NSIPs are to be determined in accordance with the decision-making framework of the Planning Act 2008 and relevant NPSs, decisions on NSIPs should also take account of any other matters that are “relevant”, which may include the NPPF. The NPPF is supported by the Planning Practice Guidance (PPG), which provides more detailed guidance on various aspects of planning.

- 4.5.2. Section 2 ‘Achieving sustainable development’ confirms (paragraph 7) that the purpose of the planning system is to contribute to the achievement of sustainable development, summarised as *“meeting the needs of the present without compromising the ability of future generations to meet their own needs”*. Paragraph 8 goes on to identify three overarching objectives to the achievement of sustainable development, which are interdependent and need to be pursued in mutually supportive ways. These are:
- **An Economic Objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - **A Social Objective** – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful, and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - **An Environmental Objective** – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 4.5.3. The NPPF is supportive of infrastructure projects. One of the methods of fulfilling the objective of sustainable development listed at Paragraph 8 under ‘a) an economic objective’ is through the *“provision of infrastructure”*. Central to the NPPF is ‘a presumption in favour of sustainable development’, which is set out in Paragraph 11.
- 4.5.4. Paragraph 157 in Section 14 ‘Meeting the challenge of climate change, flooding and coastal change’ states that:
- “The planning system should support the transition to a low carbon future in a changing climate ... it should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure”.*
- 4.5.5. Paragraph 163 (a and b) state that when determining applications for renewable and low carbon development, there should be no requirement for applicants to demonstrate the overall need for renewable or low carbon energy and that applications for renewable or low carbon development should be approved if their impacts are (or can be made) acceptable.
- 4.5.6. NPPF policies of particular relevance include:

- Building a strong, competitive economy;
- Making effective use of land;
- Meeting the challenge of climate change, flooding and coastal change; and
- Conserving and enhancing the natural environment.

4.6. LOCAL PLANNING POLICY

DEVELOPMENT PLAN DOCUMENTS

- 4.6.1. The Proposed Scheme is located predominantly within the administrative boundary of Stockton-on-Tees Borough Council (STBC), with a small extent of the DCO Application Boundary also within the administrative boundary of Redcar and Cleveland.
- 4.6.2. The relevant development plan documents (DPDs) for the Site are therefore as follows:
- Stockton-on-Tees Borough Council Local Plan (adopted January 2019)²³;
 - Stockton-on-Tees Borough Council Local Plan Policies Map (adopted January 2019);
 - Redcar and Cleveland Borough Council Local Plan (adopted May 2018);²⁴
 - Redcar and Cleveland Borough Council Local Plan Policies Map (adopted May 2018); and
 - The Tees Valley Joint Minerals and Waste DPDs (adopted September 2011).
- 4.6.3. The Tees Valley Joint Minerals and Waste DPDs comprise a Minerals and Waste Core Strategy DPD and a Minerals and Waste Policies and Sites DPD. The Joint Minerals and Waste DPDs were prepared together by Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees. The Joint Minerals and Waste DPD is of limited relevance to the Proposed Scheme.

PLANNING ALLOCATIONS/DESIGNATIONS

- 4.6.4. The key planning allocations/designations and related policies (based upon the relevant policies maps) that apply to the Site are listed below:
- Specialist Use Locations – Policies SD4 and EG4;
 - Specialist Employment Allocations – Policies SD4 and EG4; and
 - Limits to Development – Policies SD4 and SD5.
- 4.6.5. These planning allocations/ designations and associated policies are from the Stockton Borough Council local Plan and Policies maps.
- 4.6.6. The DCO Application Boundary of the Site also includes land within the administrative area of Redcar and Cleveland Borough Council. The key planning allocations/ designations and associated policies that apply to the Redcar and Cleveland extent of the Site from the Redcar and Cleveland Local Plan are as follows:
- Development Limits- Policy SD3;
 - Promoting Economic Growth- Policy ED6; and
 - South Tees Development Corporation- Policies ED6 and LS4.

NEIGHBOURHOOD PLANS

- 4.6.7. There are no adopted or emerging neighbourhood plans within STBC that apply to the Proposed Scheme.

KEY POLICY SUMMARY

- 4.6.8. **Table 4-1** details key policies from the Stockton-on-Tees Borough Council Local Plan 2019 relevant to the Proposed Scheme.

Table 4-1: Stockton-on-Tees Borough Council Local Plan 2019: Key Policies Summary

Policy	Policy Consideration
Policy EG4- Seal Sands, North Tees and Billingham	<p>Development proposals for hazardous installations, uses related to the process industries, or emerging specialist sectors will be directed to available sites and expansion land in the following locations:</p> <ul style="list-style-type: none"> a. Billingham Chemical Complex including 45 ha of available land. b. North Tees including 46 ha of available land. c. Seal Sands including 144 ha of available land. <p>Development proposals in the North Tees and Seal Sands area will recognise the cumulative importance for bird species associated with the Teesmouth and Cleveland Coast SPA and Ramsar site. Appropriate development proposals will be encouraged at locations within the limits to development where:</p> <ul style="list-style-type: none"> a. If necessary, land has been identified to provide appropriate strategic mitigation; or b. The applicant can demonstrate that the proposed development, in-combination with other proposals, will not adversely impact the Teesmouth & Cleveland Coast SPA and Ramsar site. <p>Proposals for port and river-based uses will be directed to sites and premises at Billingham Riverside, which includes approximately 38 hectares of available land. The following uses are considered to be suitable at port and riverside locations:</p> <ul style="list-style-type: none"> a. Operational facilities, including wharves, jetties, slipways; b. River based logistics, warehousing, hard standing, and storage; c. Storage of hazardous substances awaiting import or export; d. Fabrication, maintenance or decommissioning of marine vessels, oil rigs and other large structures requiring transportation by sea; and e. Energy generation plants and infrastructure that are reliant on a port/riverside location.

Policy	Policy Consideration
Policy ENV 1 – Energy Efficiency	<p>The Council will encourage all development to minimise the effects of climate change through meeting the highest possible environmental standards during construction and occupation. The Council will:</p> <ul style="list-style-type: none"> a. Promote zero carbon development and require all development to reduce carbon dioxide emissions by following the steps in the energy hierarchy, in the following sequence: <ul style="list-style-type: none"> i. Energy reduction through ‘smart’ heating and lighting, behavioural changes, and use of passive design measures; then, ii. Energy efficiency through better insulation and efficient appliances; then, iii. Renewable energy of heat and electricity from solar, wind, biomass, hydro and geothermal sources; then iv. Low carbon energy including the use of heat pumps, Combined Heat and Power and Combined Cooling Heat and Power systems; then v. Conventional energy. <p>All major developments must demonstrate how they contribute to the greenhouse gas emissions reduction targets set out in Stockton-on-Tees’ Climate Change Strategy 2016; and support and encourage sensitive energy efficiency improvements to existing buildings.</p>
Policy ENV 2 - Renewable and Low Carbon Energy Generation	<p>Planning applications for energy generation from renewable and low carbon sources, other than wind energy generation, will be considered against the principles in Policy SD8. Proposals should be supported by a comprehensive assessment of the landscape, visual and any other impacts of the proposal. Developers should, where appropriate, provide details alongside a planning application of a satisfactory scheme to restore a site to at least its original condition when the scheme has reached the end of its operational life.</p>
Policy ENV 3 – Decentralised Energy Generation and Supply	<p>The Council will promote and support decentralised energy such as District Heat and Power Networks through a number of methods. The Council will require all major development to investigate the use of decentralised energy networks for heat and power as part of the feasibility assessment and energy statement.</p>
Policy ENV4 - Reducing and Mitigating Flood Risk	<p>All new development will be directed towards areas of the lowest flood risk to minimise the risk of flooding from all sources and will mitigate any such risk through design and implementing sustainable drainage (SuDS) principles. Development on land in Flood Zones 2 or 3 will only be permitted following:</p> <ul style="list-style-type: none"> a. The successful completion of the Sequential and Exception Tests (where required); and

Policy	Policy Consideration
	<p>b. A site specific flood risk assessment, demonstrating development will be safe over the lifetime of the development, including access and egress, without increasing flood risk elsewhere and where possible reducing flood risk overall.</p> <p>Site specific flood risk assessments will be required in accordance with national policy.</p>
<p>Policy ENV5 – Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity</p>	<p>The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment, and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.</p> <p>Ecological networks and wildlife corridors will be protected, enhanced, and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.</p> <p>In regard to Nationally designated sites. Development that is likely to have an adverse effect on a site, including broader impacts on the national network of Sites of Special Scientific Interest (SSSI) and combined effects with other development, will not normally be allowed.</p> <p>Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination).</p>
<p>Policy ENV6 - Green Infrastructure, Open Space, Green Wedges and Agricultural Land</p>	<p>The Council will protect and support the enhancement, creation and management of all green infrastructure to improve its quality, value, multi-functionality and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the Proposed Scheme will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:</p> <p>a. it has been demonstrated to be surplus to requirements; or</p>

Policy	Policy Consideration
	<ul style="list-style-type: none"> b. the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c. the proposal is for other sports or recreational provision, the needs for which, clearly outweigh the loss; or d. the proposal is ancillary to the use of the open space; and e. in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests. <p>Development proposals will be expected to demonstrate that they avoid the ‘best and most versatile’ agricultural land unless the benefits of the proposal outweigh the need to protect such land for agricultural purposes. Where significant development of agricultural land is demonstrated to be necessary, proposals will be expected to demonstrate that they have sought to use areas of lower quality land in preference to that of a higher quality.</p>
Policy ENV7 – Ground, Air, Water, Noise and Light Pollution	<p>All development proposals that may cause groundwater, surface water, air (including odour), noise or light pollution either individually or cumulatively will be required to incorporate measures as appropriate to prevent or reduce their pollution so as not to cause unacceptable impacts. Where development has the potential to lead to significant pollution either individually or cumulatively, proposals should be accompanied by a full and detailed assessment of the likely impacts. Development will not be permitted when it is considered that unacceptable effects will be imposed on human health, or the environment, taking into account the cumulative effects of other proposed or existing sources of pollution in the vicinity. Development will only be approved where suitable mitigation can be achieved that would bring pollution within acceptable levels.</p>
Policy HE1 – Conservation and Enjoyment of the Historic Environment	<p>To ensure the conservation and enjoyment of the Borough’s historic environment the Council will:</p> <ul style="list-style-type: none"> a. Maintain and promote the use of Historic Environment Records; b. Review and regularly update the SPD4 Conservation and Historic Environment Folder or any successor. This will include review and regular update of: <ul style="list-style-type: none"> i. Conservation Area Appraisals and Management Plans; ii. Article 4 directions; and iii. Local List.
Policy HE2 – Conserving and	<p>In order to promote and enhance local distinctiveness, the Council will support proposals which positively respond to and enhance heritage assets.</p>

Policy	Policy Consideration
Enhancing Stockton's Heritage Assets	Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where archaeological remains survive, whether designated or not, there will be a presumption in favour of their preservation in-situ. The more significant the remains, the greater the presumption will be in favour of this.
Policy HE3 – Stockton & Darlington Railway	The Council will require any proposal for development on or adjacent to the line(s) to show how the proposal has regard to the preservation of any physical remains along the route(s) and their interpretation on the ground, and otherwise respects and interprets the route(s) where those remains no longer exist.
Policy SD1 - Presumption in favour of Sustainable Development	In accordance with the Government's NPPF, when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
Policy SD2 – Strategic Development Needs	The following strategic growth needs have been identified for the period 2017/18 to 2031/32, which will be met through new sustainable development and infrastructure provision that integrates positively with the natural, built and historic environment of the Borough. Aside from Economic and Growth and Housing, where other needs are identified, new developments will be encouraged to meet that need in the most sustainable locations having regard to relevant policies within the Local Plan.
Policy SD4- Economic Growth Strategy	Economic development needs will be directed to appropriate locations within the Borough to ensure the delivery of sustainable economic growth.

Policy	Policy Consideration
	Proposals for the redevelopment of previously developed land, in particular prominent sites which have been derelict for a significant period of time, will be supported.
Policy SD5 - Natural, Built and Historic Environment	To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will Conserve and enhance the natural, built, and historic environment through a variety of methods, meet the challenge of climate change, flooding, and coastal change through a variety of methods and conserve and enhance the historic environment through a variety of methods.
Policy SD6 – Transport and Infrastructure Strategy	To ensure the road network is safe and there are reliable journey times, the Council will prioritise and deliver targeted improvements at key points on the local road network and work in conjunction with Highways England to deliver improvements at priority strategic locations on the strategic road network.
Policy SD8 – Sustainable Design Principles	The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

Table 4-2: Redcar and Cleveland Borough Council Local Plan 2018: Key Policies Summary

Policy	Policy Consideration
Policy ED6- Promoting Economic Growth	Specialist uses, such as heavy processing industries and port logistics, will be focused in the following areas Wilton International, Land at South Tees and Skinningrove. This comprises 405ha of land available over the plan period. In these areas proposals falling within Use Classes B1, B2, B8 and suitable employment related sui-generis uses will be supported.
Policy LS4 – South Tees Spatial Strategy	The South Tees Spatial Strategy includes: <ul style="list-style-type: none"> • Wilton International Teesport • South Tees Development Corporation area, • Teesport • South Tees Industrial Estates and Business Parks

Policy	Policy Consideration
	The Council and its partners will aim to deliver significant economic growth and job opportunities through the South Tees Development Corporation and Tees Valley Enterprise Zone at Wilton International and South Bank Wharf.
Policy SD3- Development Limits	Within development limits, development will be supported, subject to meeting other policies in the Local Plan.

4.7. THE LEVELLING UP AND REGENERATION ACT

NATIONAL DEVELOPMENT MANAGEMENT POLICIES

- 4.7.1. On 26 October 2023 the Levelling Up and Regeneration Act came into force which seeks to introduce a number of changes to the Planning system in England.
- 4.7.2. Amongst the changes is the introduction of national development management policy, which is defined in Section 94 of the Act as a policy (however expressed) of the Secretary of State in relation to the development or use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.
- 4.7.3. Paragraph (5C) of Section 93 of the Act is clear that if to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.
- 4.7.4. Detail on the proposed content of national development policies is scant at the present time of writing but the consultation document establishes that National Development Management Policies would form a separate document to be considered alongside the local development plan.
- 4.7.5. It is envisaged that strategic priorities and issues of national importance would be set out within this document which could for example include net zero policies that it would be difficult to develop evidence to support at a district level, but which are nationally important. A national policy on carbon measurement and reduction is also being considered.
- 4.7.6. As of 9 February 2024, the government has published commencement regulations for the Levelling Up and Regeneration Act to progress the implementation of a number of the Act's planning provisions, including the national development management policies (NDMPs).
- 4.7.7. Should further detail arise on the content of the National Development Management Policies (NDMPs) this will be covered in the ES.

ENVIRONMENTAL IMPACT ASSESSMENT

- 4.7.8. The Levelling Up and Regeneration Act also sought to replace the current Environmental Impact Assessment (EIA) Regime with Environmental Outcome Reports (EOR).
- 4.7.9. However, it is now understood that no changes to the current EIA Regime will occur before 2025.

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