

Tees CCPP Project

The Tees Combined Cycle Power Plant Project Land at the Wilton International Site, Teesside

**Written Summary of Applicant's Oral Case – Issue Specific
Hearing on the Scope of the Application 10 April 2018**

Examination Deadline 2

The Planning Act 2008



Applicant: Sembcorp Utilities (UK)

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GLOSSARY

Abbreviation	Description
Applicant	Sembcorp Utilities (UK) Limited
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
ISH	Issue Specific Hearing
MW	Megawatts
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
RCBC	Redcar and Cleveland Borough Council
SCU	Sembcorp Utilities (UK) Limited
SoS	Secretary of State
The Proposed Development	The Tees CCPP Project
the Site	The Project Site

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1 INTRODUCTION

Overview

- 1.1 This Written Summary of Oral Case has been prepared on behalf of Sembcorp Utilities (UK) Limited ('SCU' or the 'Applicant') in respect of its application (the 'Application') for a Development Consent Order (a 'DCO'). The Application was accepted for examination (the 'Examination') by the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy on 18 December 2017.
- 1.2 SCU is seeking a DCO for the construction, operation and maintenance of a new gas-fired electricity generating station with a nominal net electrical output capacity of up to 1,700 megawatts ('MW') at ISO conditions (the 'Project' or 'Proposed Development'), on the site of the former Teesside Power Station, which forms part of the Wilton International Site, Teesside.
- 1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14 and 15(2) of the Planning Act 2008 ('PA 2008').
- 1.4 The DCO, if made by the SoS, would be known as the 'Tees Combined Cycle Power Plant Order' (the 'Order').

SCU

- 1.5 SCU provides vital utilities and services to major international process industry customers on the Wilton International site on Teesside. Part of Sembcorp Industries, a Singapore-based group providing energy, water and marine services globally, Sembcorp Utilities UK also owns some of the industrial development land on the near 810 hectares (2,000 acre) site which is marketed to energy intensive industries worldwide.
- 1.6 SCU owns the land required for the Proposed Development.

The Project Site

- 1.7 The Project Site (the 'Site') is on the south west side of the Wilton International Site, adjacent to the A1053. The Site lies entirely within the administrative area of Redcar and Cleveland Borough Council (RCBC) which is a unitary authority.
- 1.8 Historically the Site accommodated a 1,875 MW Combined Cycle Gas Turbine power station (the former Teesside Power Station) with the ability to generate steam for utilisation within the wider Wilton International site. The Teesside Power Station ceased generation in 2013 and was demolished between 2013 and 2015.
- 1.9 SCU has identified the Site, based on its historical land use and the availability of natural gas supply and electricity grid connections and utilities as a suitable location for the Project. In summary, the benefits of the Site include:
- brownfield land that has previously been used for power generation;
 - on-site gas connection, supplied from existing National Grid Gas Plc infrastructure;
 - on-site electrical connection, utilising existing National Grid Electricity Transmission infrastructure;
 - existing internal access roads connecting to a robust public road network;
 - availability of a cooling water supply using an existing contracted supply (from the Wilton Site mains) and existing permitted discharge consent for effluent to the site drainage system
 - screening provided by an existing southern noise control wall, approximately 6 m in height;
 - potential for future combined heat and power ('CHP') and carbon capture and storage ('CCS'); and

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- existing services, including drainage.

1.10 A more detailed description of the Site is provided at Chapter 3 ‘Description of the Site’ of the Environmental Statement (‘ES’) Volume 1 (Application Document Ref. 6.2.3).

The Proposed Development

1.11 The main components of the Proposed Development are summarised below:

- **Work No. 1** – a natural gas fired electricity generating station located on land within the Wilton International site, Teesside, which includes the site of a former CCGT power station, with a nominal net electrical output capacity of up to 1,700 MWe at ISO Conditions; and
- **Work No. 2** – associated development comprising within the meaning of section 115(2) of the 2008 Act in connection with the nationally significant infrastructure project referred to in Work No. 1.

1.12 Please refer to Schedule 1 of the Draft DCO (Application Document Ref. 2.1) for more detail.

1.13 It is anticipated that subject to the DCO having been made by the SoS (and a final investment decision by SCU), construction work on the Project would commence in around the second half of 2019. The construction of the Project could proceed under one of two scenarios, based on SCU’s financial modelling, as follows.

- **‘Scenario One’**: two CCGT ‘trains’ of up to 850 MW are built in a single phase of construction to give a total capacity of up to 1,700 MW.
- **‘Scenario Two’**: one CCGT train of up to 850 MW is built and commissioned. Within an estimated five years of its commercial operation the construction of a further CCGT train of up to 850 MWe commences.

1.14 The above scenarios have been fully assessed within the ES.

1.15 A more detailed description of the Project is provided at Schedule 1 ‘Authorised Development’ of the draft DCO (Application Document Ref. 2.1) and Chapter 5 ‘Project Description’ of the ES Volume I (Application Document Ref. 6.2.5).

The purpose and structure of this document

1.16 This document provides a written summary of the Applicant’s oral case at the Issue Specific Hearing (‘ISH’) on the Scope of the Application held on 10 April 2018. This document has been submitted for Deadline 2 of the Examination (16 May 2018).

2 WRITTEN SUMMARY OF APPLICANT'S ORAL CASE

Introductory remarks

- 2.1 The ISH on the Scope of the Application was held on 10 April 2018 at Redcar and Cleveland House, Kirkleatham Street, Redcar, TS10 1RT.
- 2.2 The ISH concerns the Application made by SCU for a DCO for the construction, operation and maintenance of a the Proposed Development, on the site of the former Teesside Power Station, which forms part of the Wilton International Site, Teesside.
- 2.3 The ISH took the form of running through the Examining Authority's ('ExA') agenda and specific questions published on 09 March 2018.

Introduction of participating parties

- 2.4 The ExA, Mr David Richards.
- 2.5 The Applicant:
- Claire Brook ('CB'); Partner at Womble Bond Dickenson;
 - Kate Ashworth ('KA'), Associate Womble Bond Dickenson;
 - Carole Nichols ('CN'), Utilities Shift Manager, SCU;
 - Scott Taylor ('ST'), AVP Business Development, SCU;
 - Terry Waldron ('TW'), Corporate Public Relations Manager, SCU;
 - Kevin Murphy ('KM'), Partner, ERM;
 - Georgia Sweeney ('GS'), EIA Coordinator, ERM;
 - Caroline Burn ('CB'), EIA Coordinator, ERM;
 - Jake Barnes-Gott ('JBG'), Senior Associate, DWD LLP; and
 - Rob Booth ('RB'), Senior Planner, DWD LLP.
- 2.6 The following interested parties participated in the ISH:
- Adrian Miller ('AM') and David Pellow ('DP') representing Redcar and Cleveland Borough Council (the 'Council').

Main discussion points

- 2.7 The relevant section and item number from Annex G (ISH Hearing Agenda) of the letter issued by the ExA on 09 March 2018 is quoted when referring to specific agenda items. The main discussion points were primarily from the ExA's agenda.

Introduction to the hearing

- 2.8 The ExA provided an overview of the agenda, including each specific agenda item.
- 2.9 The ExA acknowledged that prior to the hearing the Applicant had made a request to address the hearing in order to introduce a proposed change to the Proposed Development.

The Applicant introduced proposed non-material change

- 2.10 CB put forward a requested change to some of the maximum heights that are currently referred to in the draft DCO [APP-005]. These thresholds in the DCO are set out at Requirement 4(2) and are maximum thresholds for the key infrastructure and plant that will be required for the combined cycle gas turbine facility.

- 2.11 The Applicant has not yet appointed a technology provider, as you would expect, at this stage, but is hoping to be in a position to select the technology provider imminently and certainly within the course of the examination. As a consequence of the latest discussions with potential providers, it has come to light that two of the buildings listed in Requirement 4(2) may need to be higher than the maximum dimensions currently stated.
- 2.12 The maximum height specified for the turbine buildings in requirement 4(2)(c) is 25 metres ('m') above existing ground level. What the Applicant would like to request and put forward is to change the maximum height to 32 metres.
- 2.13 The second change is to requirement 4(2)(d), which sets the height of the Heat Recovery Steam Generator ('HRSG') building. It currently refers to a maximum height of 44 m including vents. However, based on our short listed providers at this stage, there is the potential that the HRSG may need to be 45 m high.
- 2.14 The Applicant recognises the need to demonstrate the nature of the requested change and the potential EIA implications or otherwise and if the provider chosen does not in fact require this increase to the maximum heights, the ExA will be notified as soon as possible.
- 2.15 The ExA then asked whether there was anything else on Requirement 4(2) in terms of proposed changes and the Applicant confirmed it is not proposing any further changes to the draft DCO.
- 2.16 The ExA asked the Applicant whether it will be making an argument that the changes are non-material and then explained that the ExA must be assured and have sufficient information available, including possible additional environmental information, to confirm that such a change is non-material if it is to be accepted. The ExA also confirmed there must be opportunity for public comment on the proposed change and whether the Applicant has any current proposals for consultation.
- 2.17 The Applicant confirmed it has had some preliminary discussions with the Planning Inspectorate ('PINS') and has contemplated a consultation exercise, having particular regard to paragraphs 109 to 115 of the Examination Guidance which set out how to deal with the change of an application post-acceptance as well as the guidance in Advice Note 16 updated in March 2018.
- 2.18 The Applicant also confirmed that the EIA has been reviewed in respect of the relevant topics that would be impacted by virtue of the requested change, which are landscape, noise and air quality. On the basis none of the conclusions in the environmental impact assessment are altered the changes ought to be considered to be a non-material change.
- 2.19 The Applicant is however mindful of the guidance contained within the Advice Note if the requested change is considered to be a material change and the steps that we would need to go through. The intention is to present the information to the ExA prior to Deadline 2, so that, subject to the ExA's views, Deadline 3 may be used as an opportunity for interested parties to respond to that information.
- 2.20 The ExA expressed concern on two issues: whether there needs to be publicity which would be for the Applicant to undertake to give people the opportunity to comment and consistency with the ES; and whether any further work is needed in terms of environmental information so that when the ExA comes to consider the additional information, what is proposed in the amended DCO is appropriately assessed in the environmental statement.
- 2.21 It was agreed the pack of information relating to the requested change would cross-reference back to EIA addressing particularly the landscape, air quality, heritage and noise chapters and the implications of the requested change on that assessment.
- 2.22 The Council were asked for any further comments, but stated that what had been summarised seemed reasonable. The Council would want an opportunity to consider the requested change, but this could be done through the local impact report ('LIR') or a follow up addendum to the LIR.

Agenda Section 3 – Land Ownership

Agenda Item 3.1

- 2.23 The ExA introduced the agenda item:
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- 2.24 Query as to whether the Applicant whether the Proposed Development can be undertaken without the need for land acquisition or acquiring rights over land.
- 2.25 The Applicant responded as follows (summary):
- 2.26 CB confirmed that diligent enquiries carried out by the Applicant have revealed that the only land ownership interests registered within the Order limits, in addition to land controlled by the Applicant, are those of National Grid Electricity Transmission Plc (‘NGET’) and Northern Powergrid (Northeast) Limited (‘NPG’).
- 2.27 CB confirmed that the Proposed Development can be undertaken without the need for land acquisition or acquiring rights over land, and that the Applicant has numerous plans to demonstrate this.
- 2.28 The ExA requested that the plans be submitted formally in response to the ExA’s written questions, which will cover land ownership matters.

Agenda Item 3.2

- 2.29 The ExA introduced the agenda item:
- 2.30 The Land Ownership and Interests Schedule [APP-007] identifies NGET and Northern Powergrid (Northeast) Limited as qualifying persons under s44 of PA2008. In relation to Part 2 and Annexes 1 and 2, explain, preferably with reference to Land Registry plans, the location of the land on which substation ‘Greystones B’ is situated, the location of the underground cable on the southwestern part of the Project Site and the extent of the freehold interest of the Applicant beyond the site boundary.

- 2.31 The Applicant responded as follows (summary):

NGET

- 2.32 CB confirmed that with reference to Land Registry plans, the location of the Greystones B substation is shown in title plan CE115855 – a copy of which was presented to the ExA. This land is leased to NGET by the Applicant and the substation will remain in situ and will be used in conjunction with the Project.

Freehold interests

- 2.33 CB confirmed that the Applicant’s freehold land interests within the in the vicinity of the Site are shown in drawing reference GIS-00-L-02801, which depicts Land Registry title CE189675 – both documents were presented to the ExA. In terms of land outside of the Site, this includes:

- a large swathe of land to the south, down to the edge of Lazenby and the A174;
- land to the west, up to the A1053;
- land to the north, up to the boundary of the adjacent Cleansing Services Group Wilton Waste Treatment Plant; and
- land to the east, up to the adjacent Teesside Ensus bioethanol plant.

- 2.34 The plans confirm that the Applicant owns all land with respect to the various utility connections – relevant to other agenda items.

NPG

- 2.35 CB confirmed that the underground cable on the south western part of the Site, owned by NPG, serves the Greystones B substation and –copy of a plan supplied by NPG that shows the location of the cable was presented to the ExA.

- 2.36 ST confirmed that although NPG have a cable connection, this is a back-up power supply only and is secondary to the substation owned by NGET.

Agenda Item 3.3

- 2.37 The ExA introduced the agenda item:
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2.38 The Applicant has confirmed that the private road shown on the Existing Access Plan [APP-015] is within its ownership. Please indicate any limitations which restrict the use of this private road.

2.39 The Applicant responded as follows (summary):

2.40 CB confirmed that the private road is owned (freehold) and controlled by the Applicant, and this is substantiated by Land Registry title plan CE189675. Other third parties have rights to use the road, but there are no limitations that restrict use of it for the Proposed Development.

2.41 A plan showing the adopted highway side by side with a plan showing the title boundary was presented to the ExA who confirmed the access clearly falls within the title.

Agenda Item 3.4

2.42 The ExA introduced the agenda item:

2.43 Confirm the existing ownership/land interests of the demineralised water, potable water and raw water connections, as shown in Documents 4.7 and 4.8, within the site boundary [APP-021, APP-022 and APP-023].

2.44 The Applicant responded as follows (summary):

2.45 CB confirmed that the Applicant owns (freehold) the demineralised water, potable water and raw water connections and pipework, and that this is confirmed by Tees CCPP Adjoining Land Map GIS-00-L-02691 and GIS-00-L-02801_corresponds to CE189675.

Agenda Item 3.5

2.46 The ExA introduced the agenda item:

2.47 Confirm the ownership/land interests of the existing gas connections within the site as shown in Document 4.9 [APP-024].

2.48 The Applicant responded as follows (summary):

2.49 CB confirmed that the Applicant owns the existing gas connection within the site and the pipework, and this is confirmed by drawings references: Tees CCPP Adjoining Land Map GIS-00-L-02691 and GIS-00-L-02801_corresponds to CE189675

Agenda Item 3.6

2.50 The ExA introduced the agenda item:

2.51 Please explain whether any other utility service providers have any interests within the Order Limits.

2.52 The Applicant responded as follows (summary):

2.53 CB confirmed that there are no other utility service providers that have any interests within the Order limits. Furthermore, by way of context, that the Applicant is the main utilities provider for the Wilton International Site.

2.54 CB also confirmed that the Applicant has owned the site since 1946 and there is a high degree of confidence in respect of land ownership matters.

Agenda Items 3.8 and 3.9

2.55 The ExA introduced the agenda items:

2.56 Paragraph 4.21 of the CCR Statement [APP-039] indicates that an 8 hectare site for CCR would be required based on International Energy Agency estimates. Based on other studies the requirement may only be 4.6 hectares. The area available for CCR at the application site is 5.4 ha. Does the fact that this is split between two areas create any difficulties and what further reassurance can be provided that providing two separate areas would be adequate for CCR?

2.57 Paragraph 4.26 of the CCR Statement indicates that additional land would be available on the adjacent Wilton International site, if required. How could this be addressed through the DCO?

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- 2.58 The Applicant responded as follows (summary):
- 2.59 ST confirmed that no more than the 5.4 ha of land available within the Order limits would be required for CCR purposes. ST also confirmed that notwithstanding the availability of 5.4 ha, it is envisaged that only 4.6 ha would be required.
- 2.60 ST stated that the nature of the process equipment for post-combustion Amine solvent based absorption carbon capture is such that it can be installed, if required, on the two areas identified with the Order limits. The process is multi-stage treatment, absorption, stripping, compression etc.; therefore, although the two areas are not shown as being connected they are in close proximity and the required interconnectivity (e.g. piping, power) can be achieved via a pipe bridge between the two areas which are shown in CCR Statement, Figure 1.
- 2.61 It is therefore anticipated that future requirements can be achieved within the Order limits and no further land is required.
- 2.62 CB confirmed that the CCR Statement [APP-039] will be updated to reflect this and submitted in response to the ExA's written questions.

Agenda Section 4 – The Adequacy of Existing Infrastructure***Agenda Item 4.1***

- 2.63 The ExA introduced the agenda item:
- 2.64 Query as to whether the Proposed Development would be adequately served by existing infrastructure provision relating to gas, water and electricity.
- 2.65 The Applicant responded as follows (summary):
- 2.66 CB confirmed that Proposed Development will be adequately served by existing infrastructure provision relating to gas, water and electricity, with further detail to be provided in response to Agenda Items 4.2 to 4.6. CB referred detailed comment to ST.

Agenda Item 4.2

- 2.67 The ExA introduced the agenda item:
- 2.68 Section 2 of the Gas Connection Statement [APP-034] states that the gas supply capability of the pipeline is well in excess of the requirement for the Proposed Development. It also states that all of the required gas connection infrastructure will be provided by existing assets. Nevertheless, reference is made to Above Ground Installation ('AGI') 3 being proposed within the red line DCO boundary. Reference is also made to an application for connection and capacity to the existing pipeline being made to National Grid. Please provide an update with regard to this application and confirm whether the existing gas infrastructure can adequately serve the Proposed Development.
- 2.69 The Applicant responded as follows (summary):
- AGI
- 2.70 ST confirmed that when the Applicant refers to the AGI within the Order limits it is being used as a legacy term to mean the pipes and valves that connect to the 24" Natural Gas Pipeline and facilitate the splitting of the gas supply to the gas turbines. The equipment is not as extensive as a conventional AGI which is at the connection point to the National Transmission System ('NTS') system to meet National Grid exit point requirements. Further to the AGI (termed AGI 4) that will be installed to facilitate the gas supply to the two gas turbines, the Applicant will also install a further split to the gas piping to supply the Wilton International Site, and this equipment is referred to as AGI 3. This arrangement replicates what existed at the former Teesside Power Station.
- 2.71 Existing infrastructure
-

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2.72 ST confirmed that in any event a 24” pipe has sufficient capacity, so the Applicant is in on-going discussions with NGG with regards to the re-connection of the Applicant’s 24” Natural Gas Pipeline to the NTS at the Billingham AGI, re-establishing the Enron Billingham Exit Point.

Status of the application

2.73 ST confirmed that the Applicant submitted a Unified Network Code Application for NTS Connection on 03 November 2017.

2.74 Following further discussions between the Applicant and NGG, it was agreed that NGG would undertake a Bespoke Technical Study to assess the reconnection to the Enron Billingham Exit Point. The Applicant has accepted NGG’s Connection Study Agreement in respect of a proposed connection to the National Grid AGI at Billingham and contracts were signed 28 March 2018.

2.75 It has been agreed that upon completion of this Bespoke Technical Study, which will take 3 months to complete, the Applicant will be in the position to apply for a Full Connection Offer to NGG for the capacity required for the Project.

2.76 ST confirmed that the monthly NTS Exit (Flat) Capacity details that for Enron Billingham Exit Point there is 121,510,000 kWh/day available. The Project’s maximum demand would be 75,331,272 kWh/day, therefore significantly below the Baseline Obligation amount of Firm NTS Exit (Flat) Capacity NGG has to make available. It is agreed that the connection will have the required capacity for Tees CCPP.

Agenda Item 4.3

2.77 The ExA introduced the agenda item:

2.78 Paragraph 5.47 of the ES [APP-047] states that water for the hybrid water coolers will be sourced from an existing raw water connection which is currently in service and has sufficient capacity to supply the requirements of the Project without variation to existing agreements. Demonstrate whether the existing demineralised water, potable water and raw water connections, as shown on Documents 4.7 and 4.8 [APP-021, APP-022 and APP-023] have sufficient capacity to serve the Proposed Development and whether there is any need to vary existing agreements. Please confirm what agreements are already in place.

2.79 The Applicant responded as follows (summary):

2.80 CB confirmed, in respect of raw and potable water supplies, that the Applicant benefits from an existing supply agreement with Northumbrian Water. It takes water and holds it in reservoirs ready to supply to the wider Wilton International Site. Northumbrian Water has carried out a study and has confirmed to the Applicant that it is confident it can supply enough raw and potable water to the Proposed Development in an email.

2.81 CB confirmed that the Applicant will supply the demineralised water for the operation of the Proposed Development from its own demineralised plant which is currently in operation and is capable of supplying the required extra capacity from its existing operational assets.

2.82 ST confirmed that the demineralised water plant is located within the Wilton International Site is the largest demineralised water plant in the UK and was previously used to supply the former Teesside Power Station. Furthermore, that the Proposed Development will not require as much water as the previous power station, SCU has retained the full capacity, and therefore there is sufficient capacity.

Agenda Item 4.4

2.83 The ExA introduced the agenda item:

2.84 Northumbrian Water in their comments set out in the Scoping Report [APP-062] recommended that the Applicant contact them to discuss the waste and waste water requirements of the project to ensure that the proposals can be accommodated within the existing water and waste water networks. Have discussions taken place between the Applicant and Northumbrian Water in response to this request?

2.85 The Applicant responded as follows (summary):

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- 2.86 ST advised that further consultation with Northumbrian Water in respect of the waste water from the Proposed Development is not necessary as the Applicant owns and operates the sewage and trade effluent Wilton Site system, which benefits from the necessary consents from the Environment Agency. The Project will receive an internal consent from the Applicant to drain into the Wilton International Site system and the Applicant confirms this system has the capacity to take the additional waste water from the Proposed Development.
- 2.87 The ExA then asked whether the waste water generated will be less than the volume from the previous power station.
- 2.88 ST confirmed that the previous power station had eight gas turbines and two steam turbines whereas the Proposed Development has two gas turbines and two steam turbines, therefore the previous power station generated more waste water. The waste water consists of boiler water and cooling water which has very little contamination, so there is very little water which requires treatment due to effluent.

Agenda Item 4.5

- 2.89 The ExA introduced the agenda item:
- 2.90 In Paragraph 2.5 of the Grid Connection Statement [APP-033] it is stated that the required grid connection infrastructure will be provided by existing NGET assets. On this basis the Applicant believes that the proposed connection is entirely feasible and deliverable. With reference to the Connection Application submitted to NGET on 19 September 2017 comment on whether the necessary infrastructure and capacity exists within the transmission network to accommodate the electricity generated.
- 2.91 The Applicant responded as follows (summary):
- 2.92 ST confirmed that the Applicant has submitted a completed Connection Application for 1,700MWe Directly Connected Power Station Connected to the National Electricity Transmission System to National Grid on 19 September 2017, with the application deemed technically competent on 04 January 2018.
- 2.93 The Applicant received a Bilateral Connection Agreement ('BCA'), Connection Agreement Reference Number A/SUUL/18/1909/TEE-1EN(0) offer on 22 March 2018 for 1,700 MWe. The BCA demonstrates that NGET judges that the necessary infrastructure and capacity exists within the transmission network to accommodate the electricity generated.
- 2.94 SCU has three months to accept the connection offer.

Agenda Item 4.6

- 2.95 The ExA introduced the agenda item:
- 2.96 Please confirm whether or not the connections and capacity of infrastructure address Carbon Capture Readiness and Combined Heat and Power requirements.
- 2.97 The Applicant responded as follows (summary):
- 2.98 ST confirmed that the Applicant will be installing a 180MVA Feeder between the generator and the connection to the National Grid Greystone Substation. This feeder(s) will provide sufficient power for any future carbon capture plant as the total estimated demand for electrical power of a retro-fit CCS system would be up to 100MWe for two phases (CCR Statement, paragraph 4.18), so the feeder has nearly twice the estimated capacity of the turbine.
- 2.99 With regards to CHP, within the Order limits there is a 24" IP Steam Main that feeds Wilton International IP Steam Distribution System. The IP Steam Main has a capacity of 600 tonnes/hour. Current Wilton International Site heat demand is less than 200 tonnes/hour at normal operation and less than 400 tonnes at abnormal peak demand. Therefore, the connection and capacity of the infrastructure is sufficient for the CHP requirements if demand ever arises within the Wilton International Site.

Agenda Section 5 – Protective Provisions

- 2.100 It should be noted that the Applicant's response in respect of Agenda Item 5.1 was deemed necessary to cover Agenda Items 5.2 to 5.5 also. These items were therefore not covered specifically.
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Agenda Item 5.1

- 2.101 The ExA introduced the agenda item:
- 2.102 Query as to whether there is a need for Protective Provisions to be included within the DCO for the protection of the interests, statutory role and functions of NGET or other electricity, gas, water or sewerage undertakers.
- 2.103 The Applicant responded as follows (summary):
- 2.104 CB confirmed that, aside from NGET and NPG's, there are no other statutory suppliers' apparatus within the Order limits.
- 2.105 CB confirmed that NPG has not requested any protective provisions. However, NGET did raise the need for Protective Provisions in its relevant representation. The Applicant has been having discussions with NGET on the basis it does not believe Protective Provisions are necessary. NGET has now agreed in principle to withdraw its request for Protective Provisions within the DCO as the leases between SCU and NGET can be updated to include similar provisions. It has also been agreed that once the leases are updated NGET will withdraw its relevant representation. .
- 2.106 The Applicant has also produced a Statement of Common Ground ('SoCG') which has been sent to NGET for review and will be submitted for Deadline 2 of the Examination.
- 2.107 The ExA requested that a further update is provided in response to the upcoming written questions.
- 2.108 CB also confirmed for completeness that NPG has not requested any Protective Provisions.

Agenda Item 5.6

- 2.109 The ExA introduced the agenda item:
- 2.110 Table 15.3 of the ES [APP-057] describes the mitigation in the event of a gas transmission pipeline rupture as maintenance of an easement zone for the pipeline. Regulation 7 of the Infrastructure Planning (Application Prescribed Forms and Procedure) Regulations defines a Book of Reference which should include in Part 3 the names of all parties entitled to enjoy easements or other private rights over land which it is proposed shall be extinguished, suspended or interfered with. Given the existence of an easement, would this require a protective provision for the owner of the pipeline and the preparation of a Book of Reference?
- 2.111 The Applicant responded as follows (summary):
- 2.112 CB confirmed that the Applicant confirmed the wrong word was used, it should have said an 'exclusion' zone. Access for construction personnel and equipment will be set out in the CEMP and carefully controlled by the contractor to ensure there is no accidental damage to the pipeline.
- 2.113 An 'easement' zone is not required. This is not a property matter.

Agenda Section 6 – Phasing of the Proposed Development***Agenda Item 6.1***

- 2.114 The ExA introduced the agenda item:
- 2.115 Query regarding how constructing the Proposed Development in two phases (Scenario 2) has been assessed in the ES and addressed within the draft DCO.
- 2.116 CB confirmed that construction of the Proposed Development in one versus two phases is described in ES Chapter 3 EIA Approach, paragraph 3.17 and Table 3.2 [APP- 045]. Each topic basis for assessment covered an envelope that included both development scenarios and establishing a worst case as appropriate to a particular topic. The particular worst case was then assessed as appropriate in the topic ES chapters 6 to 13 [APP-048 to APP-057].

Agenda Item 6.2

- 2.117 The ExA introduced the agenda item:
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- 2.118 Can the Applicant confirm if the implementation of Scenario 2 and in particular the construction of a later power train would result in effects greater than those anticipated for Scenario 1. The Applicant should address the potential for construction impacts associated with the second power train to interact with the operational impacts of the first power train. Furthermore, the Applicant should demonstrate, by reference to each ES topic, the differences when the impacts and likely significant effects of each of the scenarios (pre and post mitigation) are compared.
- 2.119 The Applicant responded as follows (summary):
- 2.120 CB advised that Table 3.2 in ES Chapter 3 EIA Approach [APP-045] has been expanded and amended to provide an explanation for each topic. This table explains why Scenario 1 is the worst case scenario for all topics and indicates where in the ES Scenario 2 increases potential impacts therefore leading to different effects.

Agenda Item 6.3

- 2.121 The ExA introduced the agenda item:
- 2.122 The assessment of the ES anticipates that construction of the second train would be up to five years after first operation of the first train. On this basis, can the Applicant guarantee (through the draft DCO) that construction of the second train will not commence at a point later than that assessed? In the event that this cannot be guaranteed, can the Applicant confirm that the approach to the assessment and the findings of the ES would remain valid? If not, what would be the controlling mechanism to ensure that any likely significant effects (beyond those currently assessed) are taken into account before the development proceeds?
- 2.123 The Applicant responded as follows (summary):
- 2.124 CB confirmed that the Applicant is prepared to guarantee that construction of the second train will commence within five years from the completion of the first train and will amend the draft DCO [APP-005] to include a new Requirement 2(4) to ensure the final phase cannot commence after 5 years of the operation of the first phase.
- 2.125 CB advised that an updated draft DCO [APP-005] will be submitted at Deadline 2 of the Examination.

Agenda Item 6.4

- 2.126 The ExA introduced the agenda item:
- 2.127 Requirement 2 (2) of the draft DCO provides for the proposed phasing of the authorised development to be submitted to and approved by the relevant planning authority. What process would be followed if there were a significant delay in commencing the second phase of development such that the Applicant could not comply with the agreed phasing?
- 2.128 The Applicant responded as follows (summary):
- 2.129 CB confirmed that there would not be a significant delay as a result of the proposed amendment to the draft DCO, which limits the time period to five years. The ExA asked the Council for comments on this approach and DP stated that the wording proposed seems logical. If there was a significant delay the Council would need to take a view at the time, it cannot say whether this would be material right now.

Agenda Section 7 – The Approach of the DCO and the ES with Regard to Flexibility

- 2.130 CB advised that the Applicant has prepared a table (referred to as ‘Table X’) to indicate what is referred to in the draft DCO and the ES where flexibility is sought, including maximum dimensions. Furthermore, the table also includes what is sought through the proposed non-material change introduced at the start of the hearing.
- 2.131 A copy of the table was presented to the ExA.

Agenda Item 7.1

- 2.132 The ExA introduced the agenda item:
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- 2.133 Query as to whether the draft DCO is consistent with the Applicant’s approach to flexibility in adopting the principle of the ‘Rochdale Envelope’ in the ES.
- 2.134 The Applicant responded as follows (summary):
- 2.135 CB referred comment on the ES to KM.
- 2.136 KM confirmed that Chapter 3 (EIA Approach and Methodology) of the ES explains that the EIA takes account of all the reasonable variations and presents the likely significant effects of these where appropriate. Assessments are based on an evaluation of the realistic ‘worst case scenario’, which is described under the ‘Basis of Assessment including Realistic Worst Case Scenario’ of each technical chapter. In regard to the Rochdale Envelope there are four topics that are relevant in regard to the location and size of structures on the site and the Rochdale Envelope approach: air quality, noise, visual impact and, indirectly, the setting of cultural heritage assets. A worst case set of parameters was developed for each to the extent practicable at the time of assessment.
- 2.137 Noise: KM confirmed that noise was approached as follows (i) iterative modelling of the various noise sources, progressively incorporating additional mitigation in order to achieve acceptable levels at the nearest sensitive receptor; and (ii) modelling of a completely different layout of plant on the site to understand how layout affected noise levels at receptors. Reasonable worst case assumptions were made on such matters as the elevation of a sound source. Ultimately the assessment demonstrated the north-south orientation presented in the Application, together with the mitigation, achieves acceptable levels and was optimal from a noise perspective.
- 2.138 Air Quality: KM confirmed that the air quality assessment initially looked at 75 m stacks and 90 m stacks for the Preliminary Environmental Impact Report (‘PEIR’) with 75 m considered a worst case from an air quality perspective. It then carried out a stack height sensitivity analysis for the ES which demonstrated that smaller stacks would be acceptable from a human health perspective and that 75 m would lead to insignificant contributions of pollutants at protected sites.
- 2.139 The ExA then queried whether a lower stack height could contribute to a greater degree of impact on air quality. KM confirmed that it may result in different ground level concentrations, but that this would not necessarily be significant.
- 2.140 Visual Impact (and indirectly the setting of Cultural Heritage assets): KM confirmed that to address consultation feedback, the photomontages were produced based on a worst case (visually) stack height of 90 m. Other building dimensions were based on GT manufacturer data supplied for the largest output GT. The assessment was then based on these photomontages, which were also used to support local community consultation. This work was conducted early in the overall EIA process in response to local community concerns over the stack height and was especially focused on understanding the likely visual effects associated with the stacks.
- 2.141 There are some apparent inconsistencies between the data used in the different assessments mainly because:
- the assessments have different objectives and so they approach what constitutes worst case differently;
 - the assessments were progressed at different stages in the EIA process (visual impact to assist early consultation; noise iteratively in an ongoing way to steadily reduce impacts; and air quality to demonstrate a minimum stack height that addressed both visual impact, human health and protected habitat concerns); and
 - progressively during the EIA process the potential suppliers provided multiple dimensions of height, width and length for the main structures and to have picked a maximum dimension in every instance would not have constituted a reasonable/realistic worst case as the basis for assessment.
- 2.142 CB confirmed in relation to the flexibility sought in the draft DCO that a maximum stack height of 75m only has been specified, notwithstanding that up to 90m stack was assessed in the ES from a landscape and visual impact perspective [APP-053]. This is because no more than 75m is required to deal with air
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quality impacts and the Applicant is eager to address concerns raised by local residents during consultation about stack height.

Agenda Item 7.6

- 2.143 The ExA introduced the agenda item:
- 2.144 Please explain how these statements reconcile with paragraph E1.9 of Annex E1 [APP-069] which states that the stack height of 75m is the lowest stack height at which impacts on sensitive human receptors are deemed to be acceptable and not significant on ecological receptors. It continues, by indicating that the Applicant will carry out a further stack height assessment among other assessments as part of the environmental permit process with the implication being that the height could change.
- 2.145 The Applicant responded as follows (summary):
- 2.146 CB confirmed that the maximum stack height will be no greater than 75m. However, that this does not necessarily have to be the minimum stack height.
- 2.147 KM confirmed that the statement made in paragraph E1.9 of Annex E1 [APP-069] would have been better worded to state that the stack height of 75 m is a height at which both impacts on sensitive human receptors are deemed to be acceptable and make insignificant contributions at ecological receptors. There is a subtle difference.
- 2.148 KM confirmed that on the basis of a 75 m stack height, the assessment is able to confidently conclude there will be no significant effects on ecological receptors due to air quality impacts. However, a smaller stack height, together with further assessment, could also lead to a similar conclusion of no likely significant effects.
- 2.149 CB confirmed that this matter, in addition to being considered as part of the DCO Application, will be considered in detail as part of the environmental permitting process.

Agenda Item 7.2

- 2.150 The ExA introduced the agenda item:
- 2.151 In addition to the two development scenarios, what other elements of the Proposed Development provide flexibility and how have these been addressed through the draft DCO [APP-005].
- 2.152 The Applicant responded as follows (summary):
- 2.153 CB confirmed that the maximum heights are specified in requirement 4(2) of the draft DCO, so the only flexibility we have is the lateral movement on works plans. There are no proposals to dig down below the existing slab at the Site, other than for foundations; therefore no significant vertical deviation is sought.
- 2.154 CB confirmed that there are no stated maximum lengths and widths in the draft DCO.

Agenda Item 7.3

- 2.155 The ExA introduced the agenda item:
- 2.156 Do the photomontages and photowirelines presented in Annex K of the ES [APP-080] demonstrate the worst case extent of the Proposed Development as built (in line with the description of development in Table 5.3 and/or Table 7.6 and/or paragraph 11.4 of the ES) and do they reflect the maximum dimensions set out in the draft DCO?
- 2.157 The Applicant responded as follows (summary):
- 2.158 CB confirmed that the Applicant has prepared a response here to consider the current scheme and also the scheme with the proposed non-material change. CB confirmed that photomontages will be available to demonstrate these scenarios.
- 2.159 KM confirmed that the photomontages presented in Annex K of the ES were prepared based on layout and dimensions (massing and heights) of the key units of the Proposed Development that would comprise the tallest and largest structures and therefore be material to the LVIA assessment as provided by the
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supplier of the largest output turbine. These were identified as the HRSG buildings, turbine buildings, stacks and the cooling towers. Other smaller buildings were included as blocks for illustrative purposes to help represent the overall proposed development. With regards to the stack height a worst case of 90 m was represented in the assessment. The photomontages were produced early in the overall EIA process to support local community consultation.

- 2.160 The photomontages are based on a slightly lower gas turbine building height (23m above existing ground level, compared to 25m as defined in Requirement 4 (2)(c) of the draft DCO). This means that in theory the photomontages do not fully reflect the maximum dimensions set out in the draft DCO or in theory a worst case scenario for the height of this particular structure. However, this small change in the height of the turbine building does not change the significance ratings presented in the assessment. This is because the main impact is from the HRSG buildings and stacks. A small increase in height of the turbine building would not alter its visibility from any of the other viewpoints due to the nature of the site location and due to intervening mature vegetation, buildings and topography.
- 2.161 Requirement 4. (2) (g) of the draft DCO also introduces the possibility of some ‘other smaller buildings’ being of up to 20 m in height, which could in theory introduce a factor that should have been addressed by the photomontages in terms of the assumed height for ‘other smaller buildings’. If, for the purposes of landscape and visual assessment, it is assumed ‘other smaller buildings’ are up to 20 m in height this would not alter the majority of photomontages at the agreed viewpoints. Due to the nature of the site location and the manner in which it benefits from screening due to mature vegetation and intervening buildings the other smaller buildings will be concealed by screening. The only viewpoint where the buildings would be perceptible is from Viewpoint 10 Eston Nab where the Project could appear to have more massing, but this is a distant view and the main structures as assessed would still dominate the effect.

Agenda Item 7.4

- 2.162 The ExA introduced the agenda item:
- 2.163 The limits of deviation in Article 6 of the draft DCO allow the authorised development to extend laterally and vertically downwards. Demonstrate how this has been addressed within the relevant ES assessments and provide an explanation as to why such deviation is necessary. Why is it necessary to provide deviation vertically downwards and to have such a wide definition?
- 2.164 The Applicant responded as follows (summary):
- 2.165 KM confirmed that the Proposed Power Plant is committed to a north south orientation, as per the conclusion of the noise assessment [APP-050] and the indicative layout drawings [APP-018].
- 2.166 The lateral movement that is allowed for in the limits of deviation is approximately up to plus or minus 20 m along east west and north south orientations but mainly away from the nearest receptors.
- 2.167 In reality, although the works plans [APP-013 and APP-014] have provided some flexibility, there is very limited space for lateral movement of the main blocks (i.e. the gas turbines, HRSGs, stacks and cooling towers) within the zones, and the orientation of the blocks will be fixed north-south (with the stacks located in the north of the Site and would only be moved further north. Any minor lateral movements of the main blocks within the zones will not cause a material change in the conclusions on the significance of effects for the following reasons:
- Air Quality – moving the stack locations by 20 m would move the worst affected offsite location for air quality impacts correspondingly. The predicted concentration at this location (which is actually a 100 m by 100 m grid output from the model) is well within the standards designed to protect human health. At distant nature conservation sites change would be negligible;
 - Noise - lateral movement of some structures could move noise sources closer to or further away from the nearest noise sensitive receptor. In the event of the former resulting in higher noise impacts additional mitigation would be included to reduce the noise level in the approved programme required under Requirement 20 of the draft DCO; and

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- Visual Impact – lateral movement of the stacks and main structures by the equivalent of less than three stack widths would not change the visual impact in any material way as can be seen from the photomontages. No laterally moved layout would constitute a worse case visually than that which has been assessed.

2.168 The works plans also allow for the lateral deviation of the other structures identified in Works No. 1-4. These are all smaller structures that would be placed on the Site. The overall conclusion is that any lateral movement would not be significant or change the conclusions of the ES.

Agenda Item 7.5

2.169 The ExA introduced the agenda item:

2.170 Paragraph 4.8 of the Design and Access Statement [APP-037] states that the maximum height of the co-located stacks is 75m above existing ground level. Requirement 4 of the draft DCO also specifies a maximum height for the stack to be 75m, why was the maximum height lowered?

2.171 The Applicant responded as follows (summary):

2.172 The maximum stack height was lowered from 90m to 75m following general consultation feedback.

Agenda Section 8 – The Description of Development

2.173 It should be noted that the Applicant's response in respect of Agenda Item 8.1 was deemed necessary to cover Agenda Items 8.2 to 8.3 also. These items were therefore not covered specifically.

Agenda Item 8.1

2.174 The ExA introduced the agenda item:

2.175 Query regarding consistency between the Proposed Development as described in Chapter 1 and 5 of the ES [APP 043 to APP-047] and the works/thresholds described in the draft DCO [APP-005] and the Works Plans [APP-013 and APP-0.4].

2.176 CB confirmed that the Applicant will provide further information, in addition to the oral case provided at the hearing, to demonstrate that the works/thresholds as described in the draft DCO have been suitably assessed in the ES and that the worst case has been considered. This will include further information to consider the implications of the proposed non-material change, such as updated photomontages.

Agenda Items 8.4 and 8.5

2.177 The ExA introduced the agenda items:

2.178 Confirm whether or not the Authorised Development in Schedule 1 Part 1 of the draft DCO is fully consistent with the description of the project components in paragraphs 1.9 and 1.10 of ES [APP-043]. This is difficult to establish given the above noted inconsistencies and without the inclusion of Works No's in the ES project description. In addition, please explain why Work No 1A (2) and (3) of the draft DCO indicate that elements 'may comprise' or 'may include' and why paragraph 1.10 of the ES states that the Project 'is likely also to include' various elements. Are these elements not necessary?

2.179 Can the Applicant confirm that these elements which 'may' be included been taken into account in the environmental impact assessment? If not, please explain whether or not it would alter the conclusions of the assessment.

2.180 The Applicant responded as follows (summary):

2.181 CB confirmed that it is likely that the draft DCO will be updated to state that the components 'will' be required. KM confirmed that all of the items have been covered in the assessments set out in the ES.

2.182 CB confirmed that the short list of components in 1.9 and 1.10 of Chapter 1 (Introduction) of the ES [APP-043] lists the main components of the Project. The longer list in the draft DCO covers the same key components, along with more prescriptive detail of ancillary plant, equipment and buildings.

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2.183 The works in the DCO set out all components that may be needed by a contractor, but some contractors may not need all the kit listed, hence the term ‘may include’ and ‘may comprise’.

2.184 The ExA asked the Applicant to give some more thought to the drafting in the DCO and to be as precise as possible.

Closing of the hearing

2.185 The ExA queried whether the Applicant was happy that the agenda has been adequately covered. CB confirmed that the Applicant was happy that it had.

2.186 The ExA then turned attention to Deadline 2 of the Examination.

2.187 The Applicant agreed to submit the ‘proposed change’ request before Deadline 2.

2.188 The ExA reminded the Applicant to submit a written summary of our oral responses provided during the hearing and the other documents requested for Deadline 2.

2.189 The ExA agreed that deadline for SoCGs could be extended to Deadline 3, but asked that any completed documents were submitted at Deadline 2.

2.190 The ExA closed the hearing at 4.31pm