

Tees CCPP Project

The Tees Combined Cycle Power Plant Project

Land at the Wilton International Site, Teesside

Applicant's Comments on Redcar and Cleveland Borough Council's Responses to the Examiner's Written Questions

Examination Deadline 3

The Planning Act 2008 (as amended)



Applicant: Sembcorp Utilities (UK) Limited
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GLOSSARY

Abbreviation	Description
AGI	Above Ground Installation
AIL	abnormal indivisible loads
AIL	abnormal indivisible loads
AOD	above ordnance datum
AQMA	Air Quality Management Areas
ASI	Accompanied Site Inspection
BAT	Best Available Techniques
BCA	Bilateral Connection Agreement
BCA	Bilateral Connection Agreement
CAA	the Civil Aviation Authority
CCR	Carbon Capture Readiness
CCS	Considerate Constructors Scheme
CCS	Considerate Constructors Scheme
CEA	cumulative effects assessment
CEMP	Construction Environmental Management Plan
CEMS	Continuous Emission Monitoring System
CEMS	Continuous Emission Monitoring System
CHP	Combined Heat and Power
CL	Critical Load/Level
CoCP	Code of Construction Practice
ConsAg	Construction Agreement
CTMP	Construction Traffic Management Plan
CTMP	Construction Transport Management Plan
DCO	Development Consent Order
dDCO	draft Development Consent Order
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
EA	Environment Agency
EM	Explanatory Memorandum
EMF	electromagnetic fields
EN-1	National Policy Statement for Energy
EPC	Engineering, Procurement and Construction
ES	Environmental Statement
ES	Environmental Statement
FRA	Flood Risk Assessment
GLVIA3	Guidelines for Landscape and Visual Impact Assessment, Third Edition
HER	Historic Environment Record
HIA	Health Impact Assessment
HRA	Habitats Regulations Assessment
HRSG	heat recovery steam generator
HSE	Health and Safety Executive

Abbreviation	Description
IAQM	Air Quality Management
ICNIRP	International Commission on Non-Ionising Radiation Protection
IEMA	Institute of Environmental Management and Assessment
LAQM	Local Air Quality Management
LSE	likely significant effects
LVIA	landscape and visual impact assessment
MMP	Materials Management Plan
NCA	National Character Areas
NE	Natural England
NE	Natural England
NGET	National Grid Electricity Transmission Plc
NGG	National Grid Gas
NO ₂	nitrogen dioxide
NO _x	nitrogen
NPS	National Policy Statement
NPS	National Policy Statement
NTS	National Transmission System
NTS	National Transmission System
PA 2008	Planning Act 2008
PEC/CL	Predicted Environmental Concentration/Critical Load
PEIR	Preliminary Environmental Impact Report
RCBC	Redcar and Cleveland Borough Council
SNR	Strategic Road Network
SPA	Special Protection Area
SPD	Supplementary Planning Document
SWMP	Site Waste Management Plan
SWMP	Site Waste Management Plan
TA	Transport Assessment
TRA	Transmission Related Agreement
TRA	Transmission Related Agreement
TVWT	Tees Valley Wildlife Trust
WFD	Water Framework Directive

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1 INTRODUCTION

Overview

- 1.1 This document 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 by the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy on 18 December 2017. The Examination began on 10 April 2018.
- 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
 - 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; and
- **'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 1 (Application Document Ref. 6.2.5).

The purpose and structure of this document

1.16 This document forms part of a package of documents submitted by the Applicant for Deadline 3 of the Examination. It sets out the Applicant's comments on Redcar and Cleveland Borough Council's ('RCBC') responses to the Examiners ('ExA') written questions – see Section 2 of this report.

2 THE APPLICANT'S COMMENTS

- 2.1 The Applicant's comments on the RCBC's responses to the ExA's written questions are set out in Table 2.1 on the following pages.

Table 2.1 – Applicant's comments

Question No. (Ref. No.)	ExA's Question	RCBC Response	Applicant's comments
1.1.8	In Table 7.1 of the ES [APP-049] Redcar and Cleveland Borough Council (RCBC) identified that Dormanstown air monitoring station had seen some 1 hour NOx 'spike' concentrations. Why do you consider that this might have occurred and what effect would it have on nitrogen dioxide (NO ₂)? RCBC indicated a spike of up to 200ug/m ³ whilst the applicant indicated 93.7. Why is there such a difference?	<p>Please note that the spikes are hourly mean results of NO_x shown as NO₂. RCBC has a duty to report to DEFRA on NO₂ both for hourly and Annual means.</p> <p>Seasonal variations – Ricardo Energy & Environment provide a data analysis service for RCBC and have provided the following explanation.</p> <p>Pollution episodes are short periods of very high levels of pollution. On these occasions it is likely that hourly average NO₂ concentrations higher than 200 µg m³ will occur. There are two types of episode:</p> <ul style="list-style-type: none"> • In winter, when the ground is cold and there is little wind, emissions are trapped near to the ground. Winter episodes took place in 1991 in London and in 2001 in several locations (including Belfast, Glasgow and Manchester), with hourly average NO₂ concentrations reaching 700 µg m⁻³. • Summer episodes take place when the weather is hot and sunny and wind speeds are low. High concentrations of ozone are created and in turn convert more NO into NO₂ in areas where high NO emissions are produced, for example, at roadsides. <p>A study of NO₂ episodes since 1988 shows that they have become less common. Over the last few years, summer episodes have become relatively less important than winter episodes in terms of their contribution to the number of hours with concentrations of NO₂ over 200 µg m⁻³.</p> <p>RCBC reported NO_x as NO₂. RCBC cannot comment on the applicants reporting data values.</p>	<p>The Applicant has checked the relevant data from the Dormanstown air monitoring site. This monitoring station monitors both NO_x and NO₂. The NO_x 'spike' of up to 200µg/m³ monitored was total NO_x, not NO₂ alone; during the NO_x 'spike' of ~200µg/m³, the corresponding NO₂ concentration was 93.7µg/m³. The NO_x 'spike' is therefore not a material issue for the project or the air quality impact assessment, as the associated NO₂ concentrations remains below 50% of the 1 hour NO₂ air quality standard.</p> <p>Please also refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p>
1.1.12	In Table 7.14 of the ES [APP-049] the annual mean baseline NO ₂ at Plantation Road and West Lane, Grangetown are significantly higher than at the other sensitive receptor locations. What are the reasons for this and the implications?	RCBC do not hold data for the years reported in the applicants study at the sites West Lane and Plantation Road, therefore no comment can be made on these values as we are unsure of their origins. Data for these sites only started to be gathered during 2014.No comment from the EP Team.	<p>Please note that the concentration in the table is correct, but the dates in the text are wrong (a typing error). The data were taken from the 'Redcar and Cleveland 2016 Air Quality Annual Status Report' for 2014 and 2015 and the text in the ES should read "<i>operated by Redcar and Cleveland Borough Council for 2014 and 2015</i>" for Plantation Road, Wilton Primary School and West Lane (rather than 2012 and 2013).</p> <p>As noted in Table 14, the diffusers are located at a roadside location and this would be the most likely explanation for the higher readings that the other monitoring stations.</p> <p>Please also refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p>
1.1.15	ES paragraph 7.112 indicates that as the PEC is well below 50% of the AQS, due to the low baseline it is not considered to be sufficient to warrant further mitigation. Please explain with reference to relevant guidance, criteria and National Policy Statements, why further mitigation is not proposed.	<p>ref para 6.26 IAQM (2017) Land-Use Planning & Development Control: Planning For Air Quality, January 2017 shows</p> <p>EA guidance Screen out PECs from detailed modelling Environment Agency "Air emissions risk assessment for your environmental permit "accessed March 2017 https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit#page-navigation</p> <p>"In the second stage of screening if you meet both of the following requirements you don't need to do any further assessment of that substance. You'll need to do detailed modelling of emissions that don't</p>	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.

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		<p>meet both of the following requirements:</p> <ul style="list-style-type: none"> the short-term PC is less than 20% of the short-term environmental standards minus twice the long-term background concentration the long-term PEC is less than 70% of the long-term environmental standards 	
1.1.17	Does RCBC accept the baseline for the air quality assessment used by the applicant? If so, please confirm/provide an appropriate reference. If not, why not?	Baseline assessment was accepted by RCBC. However query about dates for Plantation Road and West Lane that have been used by the applicant.	Please note that the concentration in the table is correct, but the dates in the text are wrong (a typing error). The data was taken from the 'Redcar and Cleveland 2016 Air Quality Annual Status Report' for 2014 and 2015 and the text in the ES should read "operated by Redcar and Cleveland Borough Council for 2014 and 2015" for Plantation Road, Wilton Primary School and West Lane (rather than 2012 and 2013).
1.1.21	Dust from construction is identified in the ES (7.130) [APP-049] as having a potentially significant effect if unmitigated. Whilst construction mitigation is proposed through the Construction Environmental Management Plan (CEMP) [APP-081], there is no reference to air quality impacts and mitigation/control measures within the draft CEMP. The CEMP is also not referred to in the air quality chapter of the ES. Given the conclusions in ES paragraph 7.125 that IAQM mitigation measures will be adopted, why does the CEMP not specify what those minimum measures should be to enable an understanding of how they are effective and the extent to which they have been relied upon in the conclusions of residual effects? Please update the CEMP to include these measures. If best practice measures to control the effects of dust are not followed by contractors or prove to be ineffective, what further action could be taken by the local authority?	The applicant has produced a Statutory Nuisance Statement which states that dust mitigation from IAQM for 'High Risk' sites will be adopted, however enforcement under the Environmental Protection Act, for Statutory Nuisance can be taken.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.2.11	Sections 6 and 7 of Annex G2 [APP-074] recognise that construction activity on site would need to avoid harm to any nesting birds or avoid destroying or damaging their nests, acknowledging that although the likelihood of impact is low, the impact would be high without mitigation. Does Requirement 11 in the dDCO [APP-005] appropriately address this matter? If not, please provide suggested amendments to the wording of this requirement.	Requirement 11 is considered to be appropriate in addressing this matter	No comment.
1.2.12	Please confirm whether all relevant plans/projects which may result in incombination effects together with the Proposed Development have been identified and considered in the Applicant's HRA report [APP-076].	The relevant projects have been considered in the HRA	RCBC considers that the relevant projects have been considered. Natural England and the Environment Agency concur with this in their responses to the Examiner's first round of written questions.
1.3.4	<p>Art. 2 of the dDCO [APP-005]. Interpretation of 'Commence'.</p> <ul style="list-style-type: none"> Please clarify the justification for the exempted works including regarding the timescales for such works. Is such flexibility necessary? If so, please provide reasons and consider whether these matters need to be addressed in a separate Requirement relating to preliminary works? Should any exempted works be covered by the Construction Environmental Management Plan (CEMP) [APP-081] which is addressed in Req. 13? 	The application site is currently vacant following the demolition of the previous power station at the site. It is therefore considered unlikely that works including demolition will be required. It however considered necessary that works relating to the installation of a site compound or any other temporary buildings should be covered by Requirement 13 of the DCO.	<p>The Applicant has removed the reference to demolition from the definition of preliminary works which are permitted prior to discharging the pre-commencement requirements.</p> <p>The Applicant will consider RCBC's comments on Requirement 13.</p>

Question No. (Ref. No.)	ExA's Question	RCBC Response	Applicant's comments
1.3.20	<p>Paragraph 6.3 of the EM [APP-006] indicates that there is no requirement relating to the setting up of a local liaison committee for the reasons given.</p> <p>Are Interested Parties including the Council content with this approach?</p>	<p>The document would not open on the website and therefore the Council reserves its position on this question for a later date when the document is available.</p>	<p>Paragraph 6.3 of the EM says the following:</p> <p><i>“There are some requirements which are included in a number of other similar development consent orders that are not included in the draft Tees Combined Cycle Power Plant Order as they are not necessary for this particular Project. For example:</i></p> <ul style="list-style-type: none"> <i>• There is no requirement relating to the setting up of a local liaison committee, because the Wilton International site operates its own procedures and as part of that The Applicant already meets with R&CBC, the Industrial Briefing Group (IBG) and Lazenby Environment Group (LEG) on a regular basis. For further information about the IBG and LEG see the Consultation Report [APP-032].”</i> <p>The Applicant trusts RCBC is content with this approach.</p>
1.3.34	<p>Req. 15. [APP-005] uses a variety of terminology including ‘traffic management and travel plan’, ‘construction traffic management and travel plan’, and ‘traffic management plan’. Annex I2 [APP-078] is referenced as a ‘construction transport management plan’.</p> <ul style="list-style-type: none"> • Please ensure that where appropriate there is consistency in terminology and where there are different documents that these are clearly identified. • With reference to abnormal indivisible loads (AIL), is this a term which needs defining as it has in other DCOs? • As set out in the EM [APP-006] with regard to Req. 15, the Council’s position expressed during discussions on 14 September 2017 was that there is no need for a requirement to cover operational traffic. If this position is correct, why does the Council not seek to control parking or require an operational travel plan in order provide demand management measures to mitigate transport impacts as paragraph 5.13.4 of National Policy Statement EN-1 advises? • Req. 15 provides for a travel plan to be prepared for the construction phase of the Proposed Development. Section I5 of the draft Construction Traffic Management Plan (CTMP) [APP-078] sets out some very broad headings for a workers travel plan. Should this be a standalone framework document with a broader outline of its requirements in line with the advice in paragraph 5.13.4 of National Policy Statement EN-1? • The draft CTMP indicates a willingness by the applicant to work with respective applicants of other schemes to co-ordinate construction programmes (paragraph 1.53 of the CTMP). Should this also be referred to in Req. 15 (2) as one of the minimum measures to be included in the final CTMP? 	<p>Point 3 – There will only be 48 total staff employed over several shifts during the operation of the site and limited opportunities for sustainable access. There are no benefits to be gained from trying to implement an operational travel plan for such small numbers of staff.</p> <p>Point 4 - This industrial site is ideal for the proposed development but is not ideally located for sustainable access. Meaningful improvements are unlikely to be achieved during the construction period.</p> <p>Point 5 – Coordinating construction programmes to some extent would be a desirable ambition. However, we would not want this to be used as an excuse for delaying development or prolonging the period of development for any schemes in the Borough.</p>	<p>Please refer to the Applicant’s Response to Examining Authority’s Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p> <p>The Applicant agreed with RCBC's response and has no further comments.</p>
1.3.37	<p>Req. 18. [APP-005] provides for a fire prevention method statement.</p> <p>Does this requirement duplicate other legislation or guidance?</p>	<ul style="list-style-type: none"> • This requirement may be duplicated to some extent by the Building Regulations, but only to those buildings on the site which would require a Building Regulations application to be submitted, not to 	<p>Please refer to the Applicant’s Response to Examining Authority’s Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p>

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	Is it appropriate that fire suppression measures and fire appliances are maintained to the reasonable satisfaction of the relevant planning authority. Please explain further why Req. 18 is necessary.	<p>the site as a whole. The Regulatory Reform (Fire Safety) Order 2005 is also likely to be applicable to some of the buildings and Cleveland Fire Brigade may have an input.</p> <ul style="list-style-type: none"> Building Regulations do not impose continuing control over the fire safety measures once the buildings in question have been successfully completed, so we would not have an input to this. Cleveland Fire Brigade may have some continuing requirements. I would imagine Req 18 is necessary to ensure the safety of people in and around the buildings in the event of a fire and to prevent the outbreak of a fire on the site getting out of control. 	The Applicant has, upon consideration, removed this requirement as it duplicates statutory requirements which are already in force.
1.3.40	Req. 29. [APP-005] addresses employment and skills. Should it be extended to support local tendering as part of a local economic benefit requirement?	Response provided late by RCBC. The Applicant will review and comment after Deadline 3 if necessary.	
1.3.41	Req. 30. [APP-005] Please explain why it is necessary to include this bespoke requirement relating to safety. In the light of the Relevant Representation of the Health and Safety Executive [RR-011] please consider the suggestion about consultation in this Requirement and provide alternative wording for Req. 30.	The Council have no comment to make on this	<p>Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p> <p>The Applicant has addressed the comments from HSE in the covering letter (Application Document Ref: 8.34) submitted at Deadline 3 of the Examination.</p>
1.3.42	Req. 31. [APP-005] Please explain why it is necessary to include this bespoke requirement relating to accident and emergency response. If such a requirement is necessary, is it appropriate to leave the emergency response plan for future approval? In addition, should it be subject to consultation with other bodies?	The council have no detailed comments to make on this matter. It is considered this is better addressed by the HSE and relevant emergency response services	<p>Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p> <p>The Applicant has no further comments.</p>
1.3.45	Schedule 2 [APP-005] sets out the procedure for the discharge of Requirements, as described in section 6.4 of the EM [APP-006] which places various responsibilities upon the relevant planning authority. Does the Council wish to comment on these procedures?	The Council acknowledges its responsibility for the discharge of conditions. Unfortunately document (app-006) does not open therefore further comment can not be made on the procedure at this time.	<p>The EM summarises the procedure as follows:</p> <p>Schedule Two (Procedure in relation to discharge of requirements)</p> <p>This Schedule sets out the process to be followed in relation to applications made to a discharging authority for any agreement or approval required by a requirement in the Order. It is largely based on similar provisions in the Knottingley and Wrexham Orders.</p> <p>Paragraph 1 contains some key defined terms relevant to Schedule Two.</p> <p>Paragraph 2 provides a clear procedure and sets out time limits for the discharge of requirements by the RLPA. The RLPA must notify the undertaker of its decision either: --</p> <ul style="list-style-type: none"> within thirty business days of the day after it received the application; or within thirty business days of the day after the undertaker has supplied further information that may be requested by the RLPA in relation to the application; or within a longer time period that may be agreed. <p>If the application is not determined within the relevant time period, it is deemed that the RLPA has granted all parts of the application, save for where it likely that the subject matter of such application will give rise to any materially new or materially different environmental effects, in which case the application will be deemed to have been refused.</p>

Question No. (Ref. No.)	ExA's Question	RCBC Response	Applicant's comments
			<p>Paragraph 3 makes provision for circumstances where the RLPA decides further information should be provided in relation to an application for the discharge of a requirement:</p> <ul style="list-style-type: none"> • The RLPA should make such a request within ten business days of receiving the application. • In the event consultation is required with another authority, for example with the LHA or with the HSE, the RLPA must issue a consultation to the relevant consultee within five business days of it receiving the application. • Thereafter the consultee must provide details of any further information it requires in order to respond to the consultation within ten business days of receiving the consultation. • Any such request for additional information must be passed to the undertaker by the RLPA within five days of receipt. <p>Where these time limits are not adhered to, the RLPA is treated as having sufficient information to consider the application and the time limits for deciding the application as summarised above will apply.</p> <p>Paragraph 4 sets out the process for appealing to the Secretary of State in respect of decisions on applications for discharge of requirements:</p> <ul style="list-style-type: none"> • If the undertaker wants to appeal against a decision it must submit a copy of the application to the Secretary of State who must appoint a person to determine the appeal (who must be a qualified town planner of at least ten years' experience). • The undertaker must also send a copy of their appeal to the RLPA and any consultee where relevant. • The RLPA (and any consultee where relevant) may submit representations within ten business days of the day after they received notice of the appeal. • Counter representations may be made within ten business days of the day after the date of receipt of any written representations. • The appointed person must decide the appeal as soon as reasonably practicable. <p>Paragraph 5 deals with the outcome of appeals and gives the appointed person the power to allow or dismiss an appeal or reverse or vary part of the RLPA's decision. The decision of the appointed person will be final and binding on all parties.</p> <p>The procedure set out in Schedule 2 of the DCO [APP-005] follows a similar format for the discharge of requirements set out in other confirmed DCOs and the Applicant trusts the provisions are acceptable to RCBC.</p>
1.4.1	Table 13.1 of the Environmental Statement (ES) [APP-055] indicates that mitigation measures such as skills and training programmes would promote local employment. Are skills and training programmes appropriately addressed through the DCO [APP-005]?	Response provided late by RCBC. The Applicant will review and comment after Deadline 3 if necessary.	
1.4.2	As set out in paragraph 13.14 of the ES [APP-055] Policy CS4 of the Redcar and Cleveland Borough Council (RCBC) Core Strategy	Response provided late by RCBC. The Applicant will review and comment after Deadline 3 if necessary.	

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	states that the Council will 'develop energy industries...focused on hydrogen and renewable energy'. The applicant also states that the project is not renewable but is lower in emissions than traditional coal fired power stations. Please comment on the project's compliance or otherwise with Policy CS4.		
1.4.3	As set out in paragraph 13.16 of the ES [APP-055] Policy CS10 of the Core Strategy concerns steel, chemical and port related industries. The applicant considers that the proposed use is of a similar classification as those identified within Policy CS10. Please comment on the project's compliance or otherwise with Policy CS10. Can the applicant also update Table 5.4 of the Planning Statement [APP-036] which omits reference to Policy CS10.	Response provided late by RCBC. The Applicant will review and comment after Deadline 3 if necessary.	
1.4.4	In paragraph 13.17 of the ES [APP-055] reference is made to Policy LS4 of the Draft Publication New Local Plan. What weight should be attached to this emerging policy?	On 23rd March 2018, the Council received the Inspector's Report into the Examination of the Redcar & Cleveland Local Plan. The Inspector's Report concludes that Publication Local Plan Policy LS4 is sound subject to Main Modifications. One the 1st May 2018, the council's Cabinet committee recommended that Borough Council adopt the Publication Local Plan (including Policy LS4) and the Main Modifications suggested by the Inspector. The Borough Council meeting is on the 24th May 2018. As the inspector has confirmed Policy LS4 is sound subject to Main Modifications, reasonable weight should be attached to the policy for the purpose of this application. Note that this position will be confirmed one way or the other on the 24th May when the Local Plan will either be approved by Borough Council or not approved.	This response is consistent with that provided by the Applicant. Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.4.5	Paragraph 13.18 of the ES [APP-055] states that the site is within the Tees Valley Enterprise Zone. Please explain the implications of this for the proposed development.	Response provided late by RCBC. The Applicant will review and comment after Deadline 3 if necessary.	
1.4.6	Does the Council accept the assumptions made in paragraph 13.44 of the ES [APP-055] regarding the multipliers for indirect and induced jobs?	Response provided late by RCBC. The Applicant will review and comment after Deadline 3 if necessary.	
1.4.8	How will contractors and sub-contractors be actively encouraged to adopt local procurement policies as set out in paragraph 13.82 of the ES [APP-055]? Is encouragement enough? Paragraph 13.85 states that the EPC contractor will be incentivised to procure locally/regionally. How would this be secured.	Response provided late by RCBC. The Applicant will review and comment after Deadline 3 if necessary.	
1.4.9	The applicant recognises the importance of recruitment campaigns reflecting the skills set of the surrounding area and intends to work with RCBC's Routes to Employment Service to maximise local opportunities as set out in paragraph 13.108 of the ES [APP-055]. Would Req. 29 [APP005] address the matter adequately?	Response provided late by RCBC. The Applicant will review and comment after Deadline 3 if necessary.	
1.4.10	The applicant intends to develop a policy to manage tendering and subcontracting for service and supply contracts to source personnel	Response provided late by RCBC. The Applicant will review and comment after Deadline 3 if necessary.	

Question No. (Ref. No.)	ExA's Question	RCBC Response	Applicant's comments
	locally as set out in paragraph 13.111 of the ES [APP-055]. How would this be secured through the DCO [APP-005]?		
1.4.14	Paragraph 13.75 of the ES [APP-055] indicates that the regional economy would benefit from the creation of 98 jobs during the construction of the scheme in a single phase and paragraph 13.101 indicates a net employment gain of 247 jobs during the operational phase. Set out the extent to which this assessment is agreed by the Council, identifying any areas where you disagree with the analysis and providing reasons. In the Council's Relevant Representation [RR-008] reference is made to 80 permanent jobs. Please explain the basis of this comment.	Response provided late by RCBC. The Applicant will review and comment after Deadline 3 if necessary.	
1.5.4	Table 3.6 of the ES [APP-045] identifies other developments which have been considered cumulatively with the proposed development for the cumulative effects assessment (CEA). <ul style="list-style-type: none"> Confirm whether the scope of the CEA was agreed with relevant consultees. Are Redcar and Cleveland Borough Council (RCBC) Natural England (NE) and the Environment Agency (EA) content that all relevant developments have been considered in the cumulative assessment? With reference to paragraph 11.54 of the ES [APP-053] which records that developments within a 5km study area were considered for the cumulative assessment for the landscape and visual assessment, can the applicant confirm that no other plans/projects have been proposed since the Scoping Report was produced in February 2017 which could have cumulative landscape and visual effects upon the Proposed Development? 	The Council are content that Table 3.6 of the ES have considered the relevant developments for the cumulative assessment.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.5.8	Section 6.6 of the ES [APP-048] makes reference to a MMP (Materials Management Plan) and SCP (Sediment Control Plan). Please provide information about the scope of these documents, their relationship to the Site Waste Management Plan (SWMP) [APP-068] and how they would be secured through the DCO [APP-005]. Is it necessary for outline versions of these documents to be prepared during the Examination?	The Council reserves its right to comment further on this matter once additional information has been provided by the applicant with regard to the scope of the documents. The LPA consider it may be beneficial to have drafts of the document during the examination, however this could be secured by way of a requirement in the DCO for later consideration.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.5.11	Annex L of the ES [APP-081] presents a framework for the Construction Environmental Management Plan (CEMP) and Req. 13 of the dDCO provides for the submission of the detailed CEMP. <ul style="list-style-type: none"> Please provide a contents page for the CEMP and confirm whether or not the document ends with paragraph L29. In comparison with framework CEMPs in other DCOs the Tees CCPP proposal is not comprehensive in its scope. The Applicant should update the CEMP to include all relevant mitigation measures stipulated in the ES. Please also give 	The CEMP should include measures to control the emission of noise dust and vibration during the construction period.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.

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	<p>consideration to the inclusion of such matters as legal requirements, standards and policies, implementation (responsibilities, training and communication) complaints procedures, corrective and preventive action, emergency preparedness and process, management review and environmental management systems.</p> <ul style="list-style-type: none"> • Is the framework CEMP sufficiently detailed to provide confidence that the matters it addresses can be satisfactorily discharged at a later stage? Should good practice and the principles for monitoring and responsibilities be established at framework stage? • Does the Management and Mitigation Plan (section 1.2.5) adequately reflect Table 17.1 of the ES [APP-059]: Mitigation Summary Table? • Update the Mitigation Summary Table (Table 17.1) to cross reference each mitigation measure to the relevant paragraph in the framework CEMP. In revising Table 17.1 identify and distinguish between embedded mitigation measures and 'further' mitigation. (Previously suggested in the Scoping Opinion [APP-063].) • Why does the Management and Mitigation Plan (section 1.2.5) not address air quality? • Is the CEMP subject to a process for verification /sign-off when construction is complete such as the preparation of a Handover 		
1.5.12	<p>In paragraph L5 of Annex L [APP-081] reference is made to the detailed CEMP being agreed with Redcar and Cleveland Borough Council and the Environment Agency whilst paragraph L6 refers to the final scope also being determined by other relevant regulatory authorities. Which other authorities should be involved?</p>	<p>The CEMP should include Measures to control the emission of noise dust and vibration during the construction period.</p>	<p>Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p>
1.5.14	<p>Paragraph L16 of Annex L [APP-081] states that the size of the parking provision together with access and egress routes will be set out in the final CEMP. Paragraph L21 also indicates that designated routes for HGV movements and construction workers car movements will be provided in the CEMP. Are the Council content to leave these matters for later determination or should they be included in the framework CEMP based on material within the Transport Assessment [APP-077]?</p>	<p>The Council is content that these matters can be determined as part of the CEMP. There is a range of major roads leading to the area and a single point of access to the site.</p>	<p>No comment.</p>
1.5.15	<p>Paragraph L16 of Annex L [APP-081] refers to a Considerate Constructors Scheme (CCS). Please provide details of the scope of this scheme and demonstrate how it would be secured through the DCO.</p>	<p>The LPA consider this is a matter for the applicant to given further clarification on. The LPA consider that there are a number of control measures through the proposed requirements in the DCO that will mitigate impacts of the development on neighbours to the site.</p>	<p>Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p>
1.5.16	<p>Section L2.5 of Annex L [APP-081] purports to set out mitigation and management measures to be included as a minimum in the CEMP. Some of the mitigation / enhancement measures are vague or simply a repetition of guidance whilst the monitoring</p>	<p>The Council consider that they will be able to provide further comments once the applicant has provided clarity on the matter.</p>	<p>Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p>

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	requirements and responsibilities are not yet defined. Please provide greater clarity. In addition, how do these measures relate to the mitigation measures set out in Table 17.1 of the ES?		
1.5.20	Monitoring of construction phase impacts would be undertaken in accordance with paragraph L2.8.1 and Tables L2.2-L2.10 of the draft CEMP [APP-081] with details of monitoring confirmed in the detailed versions of the CEMP, CTMP and SWMP. Please provide a description of the monitoring measures which are likely to be required in relation to each environmental topic during construction and operation. Where monitoring is not proposed, confirm that this is the position. Does the Council wish to comment on the scope of the monitoring?	RCBC will comment on receipt of proposed monitoring measures	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.6.1	A 5km radius around the project site was identified for the assessment of historic environment information, as set out in paragraph 12.32 of the Environmental Statement (ES) [APP-054]. Based on a site visit and consultation response from Historic England the study area for the assessment was based on a 2km radius around the site. Please provide the Historic England consultation response on which the study area was based and comment on the appropriateness of a 2km radius.	The 2km radius chosen covers the historic pre-industrial settlements of Eston, Lazenby, Lackenby and Wilton. It appears that the radius was deliberately chosen to ensure those locations were taken into consideration. It is noticeable that these heritage assets are all to the south of the site, which is a result of the industrial complexes of the Tees estuary being built upon reclaimed land, meaning the sites identified in the assessment marked the historic northern extent of settlement in the pre-industrial period.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.6.3	Paragraph 12.79 of the ES [APP-054] indicates that a number of listed buildings at Lazenby will be masked from views of the project by surrounding buildings and there will therefore be no effect on the heritage significance of these assets. Please comment on this statement in the light of the assessment of setting in paragraphs 12.30-12.31.	Paragraph 12.79 only considers the visual impacts upon the setting of listed buildings within Wilton, whereas the checklist contained within Historic England's guidance raises a multitude of other issues such as noise, lighting effects and traffic impacts. These may have been left out of the discussion as they are not considered to be significant given the established large scale industry present at Wilton and such elements are thus not anticipated to have any impact. The trees surrounding Wilton are instrumental in visually separating the Wilton complex from the village. They also help mitigate noise impacts from both industry and the nearby A174 dual carriageway and associated road network serving the Wilton complex.	RCBC is correct in stating that noise, lighting and traffic impacts have not been included in the discussion as they are not considered significant. Please also refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.6.4	Paragraph 12.83 of the ES [APP-054] describes a 'designed' (sic) view (viewpoint 13 within Chapter 11). Please provide details of its designation/status.	Unsure if this question is relating to Eston Nab (as discussed in 12.83, or Yearby (viewpoint 13 within chapter 11) and forms part of an earlier 'designed' landscape. Eston Nab and Bowl Barrow are Scheduled Ancient Monuments and Yearby is a conservation area and contains a number of GII listed buildings.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.7.19	Paragraph 16 of the 2006 DECC Guidance requires applicants to demonstrate that they have properly consulted the results of the UK heat mapping exercise. Demonstrate how the UK heat mapping exercise (UK CHP Development Map) has been taken into account in the development of proposals and what work has been undertaken with Redcar and Cleveland Borough Council and the Tees Valley Combined Authority to identify whether development opportunities in the area can support CHP.	A detailed assessment of the potential for district heating has been underway since 2015. Throughout 2016 Redcar & Cleveland BC supported the TVCA in commissioning a full district heating energy study of the South Tees area surrounding the Wilton site, starting with mapping and master-planning. The study identified three potential schemes; serving South Bank/Normandy Road, Kirkleatham Business Park and Estate, and a third in South Central Redcar. Further analysis and early financial assessments indicated the first two options were worthy of detailed development and financial appraisals. Now in its third	The Applicant is aware of these studies and is feeding into them.

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		phase, the outline business case (OBC) has been completed and is being considered by RCBC.	
1.8.2	The applicant has stated in paragraph 11.9 of the ES [APP-053] that the landscape and visual assessment has been carried out in conformity with the European Landscape Convention and the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3). Is the Council content that the assessment was appropriately undertaken in line with this advice?	The Council does not employ a Landscape Architect and therefore can not confirm that the assessment has been undertaken in line with the appropriate guidance as stated by the applicant.	No comment.
1.8.6	Figure 11.4 of the ES [APP-053] shows the Local Landscape Character Areas with the project location being within the urban area and not within any defined Local Landscape Character Area. Whilst not formally characterised, what is the local character of the area within which the Project is located? There does not appear to be a conclusion of the likely significant effects on the National Character Areas (NCA), although paragraph 11.34 of the ES [APP-053] states that NCA 25 would be largely unaffected due to topographical screening. On what basis was it decided not to assess the effects on NCA?	The application site is not situated within a landscape that is characterised under the Redcar and Cleveland LDF Landscape Character SPD (March 2010). Within the SPD there are landscapes that are characterised as Sensitive and Restoration, however this site is neither. It is considered that the site is situated within a landscape that is locally characterised as industrial in nature with some limited areas of open farm land to the west and the Eston hills further to the south.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.8.13	Can the Council confirm that the viewpoints are appropriate and provide reasonably representative views of the Project Site? In responding, please explain why there are no representative viewpoints from the north. In addition, please explain how sensitivity was determined.	The proposed view points as set out in Figure 11.6 of (app-053) are considered to provide a representative view of the project site. It is noted that the only views from north of the application site are from point 14 which is from the edge of the residential area of Dormantown and point 7 on the edge of Teesville. While there are no views from the north within the Wilton site and beyond in the former SSI land and PD Ports Land, these views are likely to be less sensitive due to the nature of the operations that take place in them.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.8.14	As set out in paragraph 11.53 of the ES [APP-053], the assessment of cumulative effects is based on developments of a similar type and excludes other types of development. Is this approach supported by reference to the GLVIA3 or other guidance or practice?	The applicant appears to have excluded developments relating to housing due to the low profile and scale of these developments.	The Applicant's approach is proportionate and is consistent with GLVIA3 and other relevant guidance. Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.8.16	Annex K of the ES [APP-080] provides photomontages and photowireline images of the proposed development. Why were viewpoints 7, 11 and 12 from Figures 11.6/11.7 [APP-053] not chosen when the sensitivity of the viewpoints is described as high? For the Council, should these viewpoints have been shown as photomontages/photowireline images?	Viewpoints 7, 11 and 12 within with in table 11.4 of (app-053) are highlighted as having a High sensitivity. As has been stated no wirelines or photomontages have been provided. The provision of these does allow for a greater appreciation of the change that is anticipated as a result of the development.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination. The above explains why photomontages and/or Photowireline were not prepared for all viewpoints.
1.8.18	Indicative Landscaping Plan [APP-029] shows an area for partial tree/shrub/grass and flower planting to the west of the site. Would it be appropriate to introduce similar soft landscaping within the areas reserved for Carbon Capture and Storage to the east of the site in the period until that scheme is brought forward? If not, why not? Why is the area to the south of the site identified for hard landscaping – tarmac rather than soft landscaping?	The provision of soft landscaping on the area reserved for future carbon capture and storage would soften the appearance of the site until this is brought forward, however the site is situated within a heavy industrial site with limited landscaping apart from grass verges on the wider Wilton site. The area of hard landscaping will be situated behind the acoustic wall and therefore there will be limited views of this area.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.

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1.8.22	<p>Req. 12 secures the provision of a written landscaping scheme which must be based on the indicative landscaping and biodiversity plan [APP029] which would be a certified document under the DCO. As presented the indicative landscaping and biodiversity plan simply indicates areas of the site which would be vegetated. Is it appropriate or necessary for the indicative landscaping and biodiversity plan to provide greater detail at this stage?</p>	<p>Given the nature of the site it is considered that the submission of details through the discharge of requirement 12 is considered to be acceptable.</p>	<p>Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p> <p>The Applicant agrees with RCBC's response and has no further comment.</p>
1.9.1	<p>Paragraph 8.8 of the Environmental Statement (ES) [APP-050] states that the assessment of construction noise was based on an even spread of construction sources around the site which was thought to be a more realistic distribution than adopting a worst case view of all plant operating at the site boundary. Was this approach agreed with relevant consultees?</p>	<p>The Environmental Protection Team has reviewed the Preliminary Environmental Information Report (PEIR) volume 1, volume 2 and the PEIR Non-technical summary and comments as follows on the areas of interest for the Team.</p> <ol style="list-style-type: none"> 1. Contaminated Land: It is acknowledged that the developer will be using as a baseline land condition report a previous report submitted as part of the permit surrender for the previous power station. The Team are happy to accept this report as a baseline study. It is stated in the PEIR that any potential impacts during the construction phase will be managed through standard construction practices and this will be in the form of a CEMP submitted with the DCO. The CEMP is also envisaged to include details of waste management and a sediment control plan to control dust during excavation. The Team will review the content of the CEMP upon submission. The Team would also encourage the use of an unexpected contamination condition to be included within any submission. On an additional note a spelling error may have been included within 6.152 as reference is made to the Walton International rather than Wilton International. 2. Air Quality: The air quality assessment has screened out a number of emissions as dictated by the Secretary of State or factors which have been considered as negligible and has assumed the installation of a 75m stack. The design of the gas turbine will be such that it will be capable of meeting a 30mg/m3 emission limit, which is BAT for the industry sector. Again it is acknowledged that mitigation during the construction phase will be required and will be incorporated into the CEMP including reference to the IAQM 2014 guidance document. 3. Noise and Vibration: The noise assessment has screened out traffic noise during construction and vibration during construction as both have been considered as negligible. The assessment has shown that daytime noise levels are predicted to be below the 65dB level for all noise sensitive receptors. The developer plans to retain the use of the existing acoustic wall barrier along the southern edge of the site. It was noted during a site visit that this existing wall may require some maintenance to ensure that it is an effective barrier. The installation of an additional acoustic wall along the western boundary is welcomed. The Team also welcomes the DCO insistence that the scheme will have no tonal content to the environment. Cooling towers are to be located away from noise receptors and will include 	<p>RCBC response to this question relates to the Preliminary Environmental Impact Report produced for Stage 2 Consultation.</p> <p>Please instead refer to the ES documents (APP-041 to APP-081) and the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p>

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		<p>the use of a turbine building with acoustic enclosure, cladding and silencers on steam vents. Working hours for the development are planned to be 07:00 to 19:00 with night time working minimised.</p> <p>At the present time the Environmental Protection Team have no areas of concern which we wish to raise. A review of the CEMP upon receipt will be undertaken to review all proposed mitigation measures.</p>	
1.9.2	<p>Paragraphs 8.31 and 8.63 of the ES [APP-050] indicate that survey data to establish baseline noise conditions was agreed with RCBC. Please provide evidence of such an agreement and for the Council please confirm whether the methodology for the data collection and assessment is acceptable.</p> <p>Identify any matters where agreement was not reached and explain why.</p>	<p>meeting 23/3/2017 below: Meeting: Dave Sigsworth (Sembcorp) Geoff Taylor(independent acoustic) Tracy Hilton, Mick Gent (RCBC) to discuss noise monitoring locations - Geoff suggested using Lazenby information and spotchecking when weather conditions are fine to get most conservative readings. RCBC said that we would preferably want continuous monitoring – various suggestions put forward including using the site as a surrogate site and correlate to Grangetown? Dave proposed a monitoring scheme that would include 2 visits to each of the 7 sites and whether this would be agreeable. THI advised that the sound level meter and calibration would have to be undertaken in accordance with British Standards. Dave agreed to send confirmation of the scheme. It was agreed that a continuous monitoring check would be undertaken by Geoff to Grangetown when weather conditions were suitable between 00:00 – 03:30 to carry out 30minute samples on 3 occasions. Additionally Dave will arrange for his analysts to carry out monitoring of 7 sites on 1 occasion.</p>	<p>Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p>
1.9.4	<p>RCBC have indicated in a letter to the applicant dated 8 March 2017 (Table 8.1) [APP-050] that anything above a 3dB(A) increase above background noise level would not be acceptable.</p> <p>Can the Council explain why they suggest this noise level and can the applicant comment on it.</p>	<p>This level was suggested to prevent a creeping background and to offer a level of protection for nearby residential receptors.</p>	<p>Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p>
1.9.5	<p>Paragraph 8.58 of the ES [APP-050] states that sensitivity to the impact of industrial noise is increased as a result of known history of feedback regarding noise from residents in Lazenby and isolated properties such as Old Hall Farm.</p> <p>What feedback has been provided and how has this has been addressed in terms of increasing sensitivity?</p>	<p>The Council have no information to add to this</p>	<p>Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p>
1.9.6	<p>It is proposed to retain and where necessary reinstate an acoustic wall on the southern boundary of the application site [APP-014]. Why was the efficacy of the wall not verified at pre-application stage?</p>	<p>During on-site pre-application discussions it was agreed with the applicant that they would test the integrity of the existing acoustic wall to ensure it is fit for purpose and if not maintenance and repair would be undertaken.</p>	<p>Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p>
1.9.7	<p>Draft DCO Req. 20 (2)(e) requires details of any works and maintenance to the wall to be submitted to and approved by the relevant planning authority in consultation with the EA prior to commissioning whilst Req. 20 (6) states that commissioning cannot take place until any necessary works have been carried out.</p> <p>What certainty can the Applicant provide that the existing noise barrier will prove as effective in mitigating construction noise as</p>	<p>This question has also been highlighted by the Environmental Protection and detailed in the point above.</p>	<p>Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.</p> <p>The measures set out in chapter 8 of the Environmental Statement [APP-050] at pages 8-6 are secured by requirement 27 (now requirement 26 in the revised DCO).</p>

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	assumed in the noise model?		
1.9.9	Does the Council consider the predicted construction noise levels set out in Table 8.9, operational noise levels in Table 8.10 and Initial Estimate of Noise Impacts at Night in Table 8.11 [APP-050] to be reasonable?	Yes	No comment.
1.9.14	In paragraph F1.3 of Annex F2 [APP-072] it is stated that it is not appropriate to combine operational and construction noise levels in Scenario 2. Explain further why this is the case and specifically, why it would not be possible to use the operation of the first train as the future baseline and then assess construction noise impacts of the second train?	Environmental Protection do not agree with this point as it would be contributing to a creeping background which has already been agreed with the applicant to not occur.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.10.1	As set out in paragraph 14.13 of the Environmental Statement (ES) [APP056], the National Policy Statement for Energy (EN-1) indicates that the positive effects of energy policy for health can achieve 'positive medium and long term effects...for equalities'. Please indicate how the proposed development has a positive effect on equalities.	The Council have no comment to make on this.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.10.2	Emerging Policy SD4 of the Redcar and Cleveland Draft Publication New Local Plan states that a Health Impact Assessment (HIA) will be required where the development is likely to have a significant impact on the health and wellbeing of the local population or particular groups within it [APP-056]. What matters should a HIA address and does the DCO application meet those requirements.	The requirement for Health Impact Assessments was found not to be sound during the examination of the Local Plan and has been removed. Please note the additional bullet point in Policy SD4 as follows: Bullet point 'q' states that "development proposals will be expected to be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities. Also note the additional supporting text as follows: Para 2.25a "Developers should consider the social value of development to improve the economic, social and environmental wellbeing of local communities both in the design of development and during the construction process. Where a development is anticipated to have significant implications for people's health and wellbeing, a Health Impact Assessment (HIA) should be considered. HIAs are used to judge the effects a proposed development may have on the health and wellbeing of different groups of people. The findings of an HIA will be used to make recommendations as to how any positive health impacts of a development may be increased and any negative impacts reduced. In order to improve health and wellbeing in the borough, applicants are recommended to seek the advice of the Council's public health team." The use of HIAs is one tool that can be used to help ensure that the development improves economic, social and environmental wellbeing. The developer may have already considered the impacts through the design and application process but not necessarily used HIA as a tool to do this.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.11.4	Paragraph 10.26 of the ES [APP-056] states that a Travel Plan for the operational phase of the project is not necessary due to the low	There will only be 48 total staff employed over several shifts during the operation of the site. With the limited range of access options, there is	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.

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	level of operational trips. For the applicant please demonstrate how this conclusion was reached in terms of policy and guidance. Is this view shared by the Council?	little benefit to be gained from trying to implement an operational travel plan.	
1.11.5	The proposed mitigation measures identified in Table 10.13 of the ES [APP-056] for abnormal indivisible loads (AIL) would in part be secured through Req. 15 of the dDCO [APP-005]. Whilst Req. 15 addresses routeing and scheduling, does it adequately address the management of AILs? What consideration has been given to the movement of AIL by water and have discussions taken place with Highways England's abnormal loads team?	The management of AILs to the Wilton International site is not uncommon. AIL movements will be managed as required from Teesport or from elsewhere along the Strategic Road Network.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.11.6	Paragraph 1.2 of Annex I2 [APP-078] states that the EPC contractor will meet or exceed the framework provisions of the draft Construction Transport Management Plan (CTMP) and adapt it to their project specific construction methodology. Please confirm that this relates to Req. 15 of the draft DCO [APP-005] and not Req. 25 as stated and that the reference within paragraph 1.2 should be to Highways England and not the Highways Agency. Req. 15 is addressed above.	Paragraph 1.2 should refer to Req.15 instead of Req.25 and Highways England instead of the Highways Agency.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.11.7	Paragraph 1.25 of Annex I2 [APP-078] states that HGV arrivals will be spread evenly between the hours of 0800-1800 to avoid on-site congestion and avoid peak traffic on adjacent roads. Paragraph 2.9 of the Transport Assessment states that the AM peak is between 0730-08.30 whilst the PM peak is between 1630 and 1730. Is there any conflict between these statements and if so how will the situation be managed? Will abnormal indivisible loads be restricted to particular time periods?	It is possibly incorrect to present 0800-1800 as the time period in paragraph 1.25. However, this is a desirable aim for the benefit of traffic movements and efficient working rather than a compulsory ban on movements in the peaks. We would be unable to monitor and enforce a ban. We would not want to disrupt site operations unreasonably and would rely on the judgement of contractors to avoid deliveries being stuck in peak-time traffic. AILs are normally moved at night or at weekends rather than being expected to move during the normal working week.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.11.8	Section I5 of Annex I2 [APP-078] addresses the need for a Workers Travel Plan. It comments that there are no train services and no bus stops nearby. Do these comments conflict with Section 4 of the Transport Assessment [APP-077] which considers the potential for public transport trips?	People undertaking Transport assessments tend to automatically consider all of the transport alternatives but in this case none are practical options.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.11.9	Paragraph 1.52 of the CTMP [APP-078] indicates that the construction contractor will ensure that arrangements are in place to maximise car sharing and the use of minibuses. Set out the extent of measures to be addressed through a Workers Travel Plan and demonstrate how they would be secured through the DCO?	Contractors and sub-contractors will be required to promote car sharing and provide works minibuses to reduce car travel to the site.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.
1.11.11	Item 15 of Table 2.1 in the Other Consents and Licences document [APP-035] identifies North Yorkshire County Council as local highway authority. Can the applicant confirm the correct local highway authority?	The highway authority should be Redcar & Cleveland Borough Council.	This is correct. No further comments from the Applicant.

Question No. (Ref. No.)	ExA's Question	RCBC Response	Applicant's comments
1.12.1	Can the Environment Agency (EA) and the Lead Local Flood Authority confirm whether or not they are content with the scope, assessment, methodology and conclusions of the Flood Risk Assessment [APP-064]? If not, please provide details of the specific areas of concern and confirm how these should be addressed by the applicant.	The LLFA are happy with the FRA	No comment.
1.12.4	Table C1.2 of Annex C (Flood Risk Assessment) [APP-064] refers to Policy SD7 of the Draft Publication New Local Plan which has a requirement for brownfield developments to limit runoff to 50% of that previously discharged. The applicant considers this to be impractical. Please comment.	The LLFA would require specific reasoning as to why the applicant considers this to be impractical. The LLFA seeks to achieve betterment for all new development on brownfield sites.	<p>On reflection the Applicant interprets Policy SD-7 as taking the Site as a 'previously developed site' (which still retains the connections to the Wilton International surface water drainage system that also served the previous power station that occupied the Site), rather than 'redevelopment of a brownfield site'. On this basis, it is understood that in accordance with Policy SD-7 "<i>the peak runoff rate from the development to any drain, sewer or surface water body for the 1-in-1 year rainfall event and the 1-in-100 year rainfall event, must be as close as reasonably practicable to the greenfield runoff rate from the site for the same rainfall event but should never exceed the rate of discharge from the development prior to redevelopment for that event.</i>"</p> <p>The Project will be constructed on existing hardstanding land which is served by an existing comprehensive surface water drainage system that serves the whole Wilton International Site. As the Project will not result in any increase in hardstanding area, surface water runoff should be effectively the same as the pre-development rate. During detailed design the Applicant will assess ways in which clean run-off can be reused on site or retained on site if this is beneficial to the operation of the wider Wilton International Site drainage system.</p>
1.12.8	What relevance, if any, does the Redcar and Cleveland Strategic Flood Risk Assessment have for the Project site?	The SFRA provides no recommendation in relation to the site. The site is within Flood Zone 1 and at low risk from flooding. It should be noted that the Environment Agency Flood Map for Surface Water does show that the site is at risk from localised surface water flooding. However, this could be resolved through site design.	Please refer to the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination.

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