

Application by Sembcorp Utilities (UK) Limited for an Order Granting Development Consent for the Proposed Tees CCPP Project

The Examining Authority's Written Questions and Requests for Information (ExA WQs)

Issued on Wednesday 18 April 2018

The following table sets out the Examining Authority's (ExA's) Written Questions in relation to the proposed Tees CCPP Project. Responses are required by **Deadline 2 in the Examination Timetable, Wednesday 16 May 2018**. Please note that if this deadline is missed the ExA is not obliged to take account of your response.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of **Friday 9 March 2018**. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and Other Persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. If the answer to a question is set out in, for example, a statement of common ground (SOCG) then a cross reference to where the issue is addressed is acceptable.

This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExA WQ1) and then has an issue number and a question number. For example, the first question on Air Quality and Emissions is identified as ExA WQ1.1.1. When you are answering a question, please start your answer by quoting the unique reference number. If you are responding to a small number of questions, answers in a letter will suffice.

In some areas there may be a degree of overlap between the answers to questions and it is acceptable to provide a single answer which responds to multiple questions or answer questions individually and provide cross references between multiple answers where appropriate. If you do so, please use all number references and ensure all elements are addressed. It was noted at the Preliminary Meeting that there may also be some overlap with the Agenda items set out in Annex G of the Rule



The Planning Inspectorate

6 letter dated 9 March 2018. Where there is such overlap, the ExA does not require separate answers, but requests that the respondent ensures that ALL issues identified in the Written Questions and in Annex G are covered in the written submissions due by Deadline 2. Responses should also address implications of the proposed change to the development which the Applicant outlined at the Issue Specific Hearing on 10 April 2018 (i.e an increase in the height of the turbine hall).

If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact TeesCCPP@pins.gsi.gov.uk.

Responses are due by **Wednesday 16 May 2018 ###**

Ref No.	Respondent:	Question:
Q2.0.1	Environment Agency	<p>Is the EA content with the Applicant’s explanation (as summarised in [REP4-011]) of why near identical air modelling results occur in the PIER (where the turbine hall building height is 21.3m) and the ES (with a turbine hall building height 31m)?</p> <p>We can agree that a relatively small change in the building height has a minimal impact on the air modelling results and provides sufficient confidence to set the building heights within the DCO, noting that once the preferred technology has been agreed, the air model will be re-run for the environmental permitting process.</p>
Q2.1.2	Environment Agency	<p>The Applicant has confirmed in [REP2-080] the stack locations which have been utilised in the air quality assessment, as follows:</p> <ul style="list-style-type: none"> ● Western Stack: 456437, 520398 ● Eastern Stack: 456525, 520438 <p>The limits of deviation on the Works Plans allow for lateral movement of the stacks; it is proposed that the exact location of the stacks is confirmed at the Environmental Permitting stage.</p> <p>The Environment Agency expressed concerns [REP2-079] that changing the locations of the stacks from those specified in the air quality assessment may alter the findings of the assessment, and recommended that their locations are fixed by grid reference.</p> <p>In response, the Applicant has stated that movement of the stacks within the lateral limits of deviation would not materially change the outcome of the air quality assessment [REP3-003; REP4-011]. In light of the Applicant’s response, can the EA confirm its position as to whether stack locations should be fixed in the draft DCO?</p>

Ref No.	Respondent:	Question:
		<p>Whilst we assert that changing the lateral location of the stacks can have unintended, negative environmental impacts off-site, the Applicant has indicated that any changes will be within the Limits of Deviation (LoD) from the Works Plans which allows minimal lateral movement. Also, taking into account the severe restriction in available space on site for the civils work required for such tall structures, it is reasonable to agree that the precise location of the stacks does not need to be determined within the DCO. Sufficient control over the eventual citing of the stacks will be achieved by using the LoD to define the stack location envelope in order to avoid the requirement for a DCO variation if required, in future.</p> <p>The Applicant is correct in stating the exact stack locations will be set during the determination of the environmental permit, once the preferred technology has been chosen.</p>
Q2.2.2	Environment Agency Natural England	<p>The EA indicated at the ISH that it would like to run the Applicant’s detailed air quality data through its model. The Applicant has now submitted this data to the Examination [REP4-010]. Do they EA or NE have any comments in this regard?</p> <p>Undertaking this work during the DCO process would not be beneficial as the preferred technology has not yet been agreed. We would request that this verification work is undertaken during the environmental permitting process.</p>
Q2.2.3	Environment Agency	<p>The ExA is aware that it is intended to submit an updated SOCG between the Applicant and the Environment Agency. The current version [Paragraph 3.9, REP2-061] states that: ‘the EA does not yet agree that the HRA demonstrates that it is unlikely the Project will not have significant effects upon European Designated Sites alone or in combination with other projects and plans’.</p> <p>Can the EA confirm whether there is any change to this position?</p>

Ref No.	Respondent:	Question:
		<p>In the latest version of the SOCG, we have advised that the Habitats Regulations Assessment can be moved to the Matters Agreed section of the SOCG. We consider that sufficient information has been submitted for the DCO to progress.</p> <p>Once the preferred technology has been chosen at the environmental permitting stage, any emissions will be able to be predicted more accurately. During the determination of the Environmental Permit (EP), we will further assess the impacts of the proposed activities on the protected habitats in the vicinity of the application site within our separate HRA. We will consult Natural England for their assessment of our HRA as part of the EP determination process. The EA will also assess the revised air impact modelling results, limiting operations to reduce the environmental impact, if necessary.</p>
Q2.3.3	<p>Environment Agency</p>	<p>Does the EA have any concerns regarding Article 6 of the dDCO [REP4-005], which allows the Applicant to 'deviate vertically to any extent downwards as may be found necessary or convenient' (noting the Applicant's justification in this regard [Q1.3.12, REP2-080])?</p> <p>We understand that the vertical deviations described in Article 6 of the dDCO only refer to civils work during construction, and that the stack heights will be measured from ground level and therefore, we have no concerns. However, we suggest that Article 6 of the dDCO is amended to clearly explain these limitations.</p>
Q2.3.4	<p>Environment Agency Redcar and Cleveland Borough Council</p>	<p>An updated version of the Construction Environmental Management Plan (CEMP) has been submitted at Deadline 4 [version 3, REP4-003].</p> <p>Please confirm whether you are content with the contents of the updated CEMP and provide any comments you may have.</p> <p>The preliminary information provided in version 3 of the CEMP is satisfactory for a project at this stage of its development.</p> <p>In any future iterations of the CEMP, we would advise the following: Section L4.3 of the CEMP could</p>

Ref No.	Respondent:	Question:
		<p>be amended to encourage the Applicant to maximise the re-use of suitable waste materials within the site boundary, within the terms of a relevant exemptions. Thereby, reducing landfill costs and minimising the use of virgin natural resources.</p> <p>Table L4.5 of the CEMP refers to Pollution Prevention Guidance Notes but it should be noted that these are under review and may not be up-to-date guidance. We, therefore, recommend the Applicant also reviews Pollution Prevention for Businesses webpage on GOV.UK for current pollution prevention advice to be incorporated into future versions of the CEMP. The webpage can be found at the following: https://www.gov.uk/guidance/pollution-prevention-for-businesses</p>
Q2.5.1	Environment Agency	<p>Does the EA consider that the Applicant has addressed the points raised in the EA’s WR regarding the Water Framework Directive (with the exception of opportunities for enhancement measures, which the ExA understands is to be covered in the forthcoming revision to the SOCG)?</p> <p>We can confirm that the Applicant has addressed the points raised in our previous written representations response regarding the Water Framework Directive. I attach a copy of an email to the Applicant dated 14 June 2018 as Appendix 1 and a subsequent letter sent to the Applicant on 11 July 2018 as Appendix 2 which forms part of our submission on the second round of written questions. The email and letter sets out our position with regard to WFD issues.</p> <p>In summary, we have assessed the submitted WFD information and consider that the proposed development will have no significant adverse impact upon WFD waterbodies. We acknowledge that it seems highly unlikely that it will be possible to implement mitigation measures to remediate the watercourses within the proposed site. It is also considered that the existing modifications at the proposed site are not significant in the context of the waterbody. We have also advised that there are other practicable opportunities to improve the waterbody as part of the proposed development with regard to environmental enhancement opportunities.</p>