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Tees CCPP Project

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

Statement of Common Ground with the Environment Agency

The Planning Act 2008



Applicant: Sembcorp Utilities (UK) Ltd
Date: September 2018

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GLOSSARY

Abbreviation	Description
CEMP	Construction environment management plan
CHP	Combined Heat and Power
CCR	Carbon Capture Readiness
CCS	Carbon Capture and Storage
DCO	Draft Consent Order
DECC	Department for Energy and Climate Change
EA	Environment Agency
EP	Environmental Permit
ES	Environment Statement
MW	Megawatt
NSIP	Nationally Significant Infrastructure Project
PINS	Planning Inspectorate
SCU	Sembcorp Utilities (UK) Ltd
SoCG	Statement of Common Ground
SoS	Secretary of State
the Applicant	Sembcorp Utilities (UK) Limited
the Order	Tees Combined Cycle Power Plant Order

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1 INTRODUCTION

Overview

- 1.1 This Statement of Common Ground ('SoCG') 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.
- 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 and carbon capture and storage; 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 [APP-045].

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 [REP4-008] 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 [REP4-008] and Chapter 5 'Project Description' of the ES Volume 1 [APP-047].

The purpose and structure of this document

- 1.16 The purpose of this SoCG is to set out the agreement (see Section 2 of this report) that has been reached between the Applicant and the Environment Agency ('EA') in respect of the following matters:
- the role of the EA;
 - consultation;
 - environmental permit;
 - air quality assessment;
 - Water Framework Directive;
 - flood risk/surface water;
 - Habitats Regulations Assessment
 - noise and vibration;
 - combined heat and power;
 - carbon capture and storage;
 - Construction Environmental Management Plan; and
 - the draft DCO.
- 1.17 In addition, this SoCG also sets out where matters remain to be resolved (see Section 3 of this report).

2 MATTERS AGREED

The role of the Environment Agency

- 2.1 The EA is a non-departmental public body, the purpose of which is 'to protect or enhance the environment taken as a whole', so as to contribute to 'the objective of achieving sustainable development'.
- 2.2 The EA is a statutory consultee in respect of all DCO applications that are likely to affect land in England. Annex D of Advice Note 11 'Working with Public Bodies' produced by the Planning Inspectorate ('PINS') sets out in detail the role of the EA in the DCO process, including the level of input and agreement that might be expected from the EA.
- 2.3 The role and responsibilities of the Environment Agency under the PA 2008 fall into the following categories:
- statutory consultee, as a prescribed consultee by applicants under Section 42 of the PA2008 or by the PINS as a consultation body in relation to any EIA scoping; and
 - consenting body / authority.
- 2.4 The above include that the EA provides environmental advice on matters that concern it.
- 2.5 In respect of environmental permitting and the EA as consenting body; Advice Note 11 includes that where an environmental permit ('EP') is required, under the Environmental Permitting Regulations 2016, the EA should provide a preliminary opinion and indicate one of three positions in relation to the likelihood of gaining the permit:
- Position 1 – No major permitting concerns;
 - Position 2 – More detailed consideration is required and parallel tracking is recommended; or
 - Position 3 – Don't proceed – unlikely to grant a permit.
- 2.6 It is important to note that the EA is not expected to pre-determine an EP during the determination of a DCO application; however, a level of advice on permitting and environmental matters in the context of the PA 2008 is required.
- 2.7 The EA is a competent authority when determining applications for permits, consents and licences for which it is the regulatory authority. During the application process, where an NSIP has the potential to have a significant effect on European sites and an environmental permitting regulations permit is also required, the EA is required to consider whether sufficient information has been provided to demonstrate that environmental risks can be managed.
- 2.8 The EA is also a competent authority for the Water Framework Directive ('WFD') and has a general duty under the Water Environment (Water Framework Directive) (England & Wales) Regulations 2017 (the WFD Regulations).

Consultation with the Environment Agency

- 2.9 The Applicant engaged with the EA on the Project during the pre-application process by way of informal non-statutory engagement and also during the formal consultation carried out pursuant to section 42 of the PA 2008. This took the form of a meeting with Environmental Management Officers from the EA and written feedback from the EA's Planning Advisors in the Sustainable Places team, as detailed in the Consultation Report [APP-032].
- 2.10 The EA was first formally consulted on the Proposed Development by the Planning Inspectorate ('PINS') in March 2017 in response to SCU's request for an Environmental Impact Assessment ('EIA') Scoping Opinion. The EA responded to the consultation via letter dated 16 March 2017 (included as Appendix 1 to this report).
- 2.11 The letter stated that certain information should be included in the scope of the EIA, as follows:

- a stack height (and diameter) sensitivity study to be prepared to enable early agreement on stack design;
- a Combined Heat and Power ('CHP') Ready assessment, as required by Article 14 of the Energy Efficiency Directive – to demonstrate the use of Best Available Technique ('BAT') to maximise energy efficiency; and
- information relating to future proofing the Project, which considers the impact of the reduced emission limit values proposed in the European Union combustion Best Available Techniques Reference Document.

2.12 The EA was consulted again by the Applicant as part of the PA 2008 section 42 consultation. The EA responded by letter on 7 July 2017 (included as Appendix 2 to this report), including a number of comments and queries. Each of the EA's queries/comments, along with SCU's response, is set out in Table 2.1 below.

Table 2.1 – Consultation summary

Topic/Query Type	Query/comment	SCU Response
IPPC Permit	Confirmation that Ensus have not operated the proposed installation boundary and the original permit holder was Enron.	No action/response required.
Data Correction	Possible discrepancy in the Process Contribution at the Teesmouth & Cleveland Special Protection Area ('SPA') - advise that you investigate this further.	Data investigated and corrected in the submitted ES (ES Volume 2, Annex H 'HRA' [APP-076]).
Text Correction	In Annex L – Air Quality in PEIR Volume 2, the PCLT at the Teesmouth & Cleveland Coast SPA is detailed as 0.272ug/m3. However, in Annex H the same determinant is 0.301ug/m3. We consider that this discrepancy should be investigated as this affects the Process Contribution/ Critical Load (PC/CL) data in Annex L.	Discrepancy investigated and corrected in the submitted ES (ES Volume 2, Annex H 'HRA' [APP-076]).
Text Correction	Annex L shows the nitrogen (NOx) annual mean data at protected habitat sites. At Teesmouth & Cleveland Coast the PC/CL (%) is 0.9% which is below the 1% threshold for significance. However, the Predicted Environmental Concentration/Critical Load (PEC/CL) (%) is 107% and is 106% or 107% at a further 7 habitat locations, as the data is dominated by high background levels. We advise that you explain the location and measurement basis of background data and ensure that the same statistical basis is used to calculate process contributions and background concentrations.	Discrepancy investigated and corrected in the submitted ES (ES Volume 2, Annex H 'HRA' [APP-076]).

Topic/Query Type	Query/comment	SCU Response
Clarification	The stack height of the black start(s) stack(s) has not been mentioned in the report or included in the photomontages.	The black start units have been removed from the Proposed development.
Clarification	A stack height and sensitivity study must be provided as part of the Development Consent Order (DCO) application.	A stack height assessment has been included as part of the submitted ES (ES Volume 2, Annex E1 [APP-069]).
Clarification	It might be useful for the applicant to provide a comparison between the old GDF Suez stack height and the proposed stack height, to help local residents assess the visual impact. We understand that the environmental information in the PEIR report will be fed into the DCO application. We recommend that the individual paragraphs of the DCO application are numbered for ease of reference.	The old GDF stack height was lower at the time the plant was built. A comparison with the adjacent Ensus stack (80m) has been included in the submitted ES to help local residents assess the visual impact. See ES Volume 1, Chapter 11 'Landscape and Visual' [APP-053].
Acknowledgement	An abstraction licence will not be required for the proposed development.	No action/required.

Environmental Permit

- 2.13 There are a number of other consents and licences, in addition to the DCO, that are required in respect of the construction and operation of the Project, including an EP. Although the PA 2008 provides the ability to include the EP within the DCO, the Applicant has chosen approach to progress the EP separately – the reasoning behind this is set out in paragraph 2.15 below.
- 2.14 The consents and licences that the Applicant has identified as being required, in addition to the DCO, are listed within the 'Other Consents and Licences' document [APP-035]. This is a live document and details the discussions that have taken place to date with the relevant consenting bodies. It also sets out any actions that are required and confirms the status of the applications required.
- 2.15 Annex D of Advice Note 11 states that in some cases it is recommended that applicants submit their permit application at the same time as the submission of the DCO, as this allows the EA to proceed with its assessments and may then be in a position to indicate whether it is likely to grant a permit before the DCO examination closes. This approach is recommended in instances where the proposed technology provider (for the turbine etc.) has been selected. However, in this particular instance, the Applicant (SCU) has not yet selected a technology provider and so the EP application has not yet been submitted.
- 2.16 It is agreed that this is not an unusual scenario and that under these circumstances, there is no requirement to parallel track the permitting application and DCO.
- 2.17 It is agreed, in accordance with Section 5 of the Overarching National Policy Statement for Energy (EN-1), paragraph 4.10.6, that the Applicant has made early contact with the EA in respect of the EP. The contact was made to discuss the requirements of the EP application and to ensure that it took account of all relevant considerations.
- 2.18 It is agreed that at present there are no indications to suggest that an EP will not be issued; this reflects Position 1 in Advice Note 11. This position is set out in the letter from the EA dated 01 March 2017 –

included as **Appendix 3** to this report. It is acknowledged by the Applicant that the letter was issued by EA following pre-permit discussions and comprises preliminary advice only.

- 2.19 Notwithstanding the statement at paragraph 2.18, it is agreed that the EA is unable to pre-determine the environmental permit and needs to receive sufficiently detailed technical information (as part of the permit application) to complete a full technical assessment of the Project.

Air quality

- 2.20 It is agreed, in terms of methodology, that the effects on human and ecological receptors must be assessed using the maximum ground level concentration at any point on the grid predicted by atmospheric dispersion modelling as a worst case approach. In addition, it is agreed that the results of the modelling must be based upon the worst case results for any of the five years of meteorological input data used.
- 2.21 There is the potential for air quality impacts as a result of direct emissions to air from operation of the Project. Impacts on air quality could lead to effects on both sensitive human and ecological receptors.
- 2.22 The Applicant has therefore undertaken dispersion modelling to assess the effects from the operational Project on sensitive human and ecological receptors – see submitted ES Volume 1, Chapter 7 'Air Quality' [APP-049]. Following the section 42 consultation, the Applicant addressed matters raised by the EA and Natural England in the air quality assessment and associated annexes, including ES Volume 2, Annex E1 'Stack Height Assessment' [APP-069].
- 2.23 The EA has confirmed that final conclusions in respect of air quality will require a full assessment of the modelling source data as part of the EP determination process.
- 2.24 Notwithstanding the above, the EA agrees that relevant information, sufficient for the DCO process, has been provided by the Applicant in respect of air quality. Furthermore, it is agreed that at the present time the EA is not aware of any reason why it would not be possible to satisfactorily address relevant air quality matters as part of the EP application process.

Noise impacts

- 2.25 It is agreed that the Proposed Development will require an EP and that the Applicant will need to submit further detail in respect of noise at the EP stage, in order for the EA to draw final conclusions in respect of noise.
- 2.26 Notwithstanding the above, it is agreed that Requirement 19 of the draft DCO (Version 5) (Application Document Ref: 8.51) provides appropriate operational noise safeguards for the EA, on the basis that the wording of the requirement includes that:
- "The commissioning of the authorised development must not commence until a written programme for the monitoring and control of noise during the operational phase of that phase of the authorised development has been submitted to and approved by the relevant planning authority in consultation with the Environment Agency."*
- 2.27 It is agreed that at this point in time the EA is not aware of any reason why it would not be possible to satisfactorily address noise matters as part of the EP application process.

Flood risk/surface water

- 2.28 The assessment of effects of the Project in terms of flood risk and surface water are set out in ES Volume 1, Chapter 6 'Geology, Hydrogeology and Contamination' [APP-048] and ES Volume 2, Annex C 'Flood Risk Assessment' [APP-064].
- 2.29 It is agreed that the Site is located within Flood Zone 1 and that this is the zone with the lowest risk of flooding. The EA considers the relevant body to comment should be the Lead Local Flood Authority, RCBC, who is responsible for managing local sources of flooding from surface water, groundwater and small 'ordinary' watercourses. The EA, therefore, has no further comments to make in respect of flood risk and surface water and consider that these matters are outside of the EA's remit to comment upon.

Water Framework Directive

- 2.30 On the basis of the information provided by the Applicant, it is agreed that the Proposed Development will have no significant adverse impact upon WFD water bodies. There is therefore no obligation on the Applicant under the WFD to provide specific mitigation measures in respect of relevant water bodies.
- 2.31 Notwithstanding the above, the Applicant is already voluntarily participating in water course clean up initiatives in the area and is committed to continuing participation in the future. Specifically, the Applicant has participated in the River Tees Clean Up Initiative that took place in February 2018. This was organised by the Tees Rivers Trust in conjunction with the National Lottery funded organisation River Tees Regenerated. The initiative focused on collecting plastic and other debris that had washed onto the riverfront. The Applicant is intending to participate in a further clean up, expected to take place in August 2018. The Applicant is also working with the Industry Nature Conservation Association ('INCA') on biodiversity enhancement on land owned by SCU on the Wilton International Site, including water bodies. In recent discussions, the Applicant has agreed to join the work INCA is doing with other companies in the Tees Estuary Partnership and has pledged an initial £500 to cover INCA activities. The Applicant is proposing to agree a suitable, future project to work on with INCA and proposes to make a further, more substantial, financial contribution.
- 2.32 It is agreed that the above demonstrates that the Applicant is pursuing and partaking in practicable opportunities to enhance and improve a WFD water body, in addition to other improvement on the Wilton International Site. Furthermore, it is agreed that WFD matters have been satisfied for the purposes of the DCO application.

Groundwater and land contamination

- 2.33 It is agreed that the EA has no comments to make in respect of groundwater and contamination impact associated with the Proposed Development in relation to the DCO.

Habitat Regulations Assessment

- 2.34 The assessment of effects upon nature conservation is set out in ES Volume 1, Chapter 9 'Ecology' [APP-051] and ES Volume 2, Annexes G1 'Effects of Air Quality on Nationally and Locally Designated Sites' [APP-073], and ES Volume 2, Annex H 'Habitats Regulations Assessment' [APP-076].
- 2.35 The purpose of the Habitat Regulations Assessment ('HRA') is to identify any aspects of the proposed development that would have the potential to cause a likely significant effect on Natura 2000 or European sites (Special Areas of Conservation ('SACs'), Special Protection Areas ('SPAs') and Ramsar sites), (either in isolation or in combination with other plans and projects), and to identify appropriate avoidance and mitigation strategies where such effects are identified.
- 2.36 Once the preferred technology has been chosen at the environmental permitting stage, any emissions would be able to be predicted more accurately. During the determination of the Environmental Permit ('EP'), the EA will further assess the impacts of the proposed activities on the protected habitats in the vicinity of the Project Site within an updated HRA. The EA will consult Natural England for its assessment of the HRA as part of the EP determination process. The EA will also assess the updated air impact modelling results, limiting operations to reduce the environmental impact, if necessary.
- 2.37 Notwithstanding the above, the EA agrees that relevant information, sufficient for the DCO process, has been provided by the Applicant in respect of ecology and protected sites. Furthermore, it is agreed that at the present time the EA is not aware of any reason why it would not be possible to satisfactorily address relevant ecological matters as part of the EP application process.

Combined Heat and Power

- 2.38 It is agreed that sufficient information has been provided by the Applicant under the DCO process to satisfy requirements relating to CHP, including adequately demonstrating the 'CHP-Ready' status of the Proposed Development. Furthermore, it is agreed that Requirement 21 'Combined heat and power' of the draft DCO [REP4-008] adequately secures space and routes for the provision of CHP over the lifetime of the Proposed Development (should CHP become economically viable in the future).

Carbon Capture and Storage

- 2.39 The Applicant has provided further information in addition to that set out in the CCR Statement [APP-039] submitted as part of the Application. The further information is set out in the following documents:
- Tees Carbon Capture Sizing Studies – Support to Carbon Capture Readiness Report Semcorp Utilities (UK) Limited produced by AECOM Infrastructure & Environment UK Limited dated 18 June 2018 (Application Document Ref: 8.56);
 - Assessment of the CCR Compliance of the Tees Combined Cycle Power Plant Project Report produced by J.G. Yao, P.S. Fennell FIChemE, N. Mac Dowell FIChemE, Imperial College Consultants (Application Document Ref: 8.57); and
 - AECOM memo dated 19 September 2018, headed “Tees CCPP Project –Response To Environment Agency Letter Dated 13 September 2018 (Ref.NA/2018/114039/08-L01) Regarding Carbon Capture Readiness” (Application Document Ref: 8.64).

- 2.40 On the basis of the further information supplied by the Applicant, it is agreed that:
- The Applicant has provided sufficient information to address the Annex C checklist in ‘Carbon Capture Readiness (CCR) – A guidance note for section 36 Electricity Act 1986 consent applications’ produced by DECC in 2009 for a 1,520 MWe power output plant.
 - There are no foreseeable barriers to the technical feasibility of carbon capture plant retrofit for a 1,520 MW power plant.
 - The Applicant will need to provide further evidence to demonstrate the feasibility of a power plant with a maximum capacity of 1,700MW.

- 2.41 In order to deal with the latter point, the parties have agreed that the following requirement should be added to the draft DCO:

“(1) The authorised development must not be operated to generate a net electrical output of more than 1520MWe unless and until sub-paragraph (2) has been satisfied.

(2) The authorised development must not be operated at a net electrical output of more than 1520MWe and up to 1700MWe until the undertaker submits a scheme to demonstrate that it is technically feasible and there is sufficient space within the order limits to comply with the land footprint requirement for the retrofitting of appropriate capture equipment for a generating station with a net electrical output of up to 1700MWe. The scheme shall be submitted to and approved in writing by the relevant planning authority in consultation with the Environment Agency. The scheme shall include as a minimum:

(a) information required by the form “Environment Agency verification of CCS Readiness New Natural Gas Combined Cycle Power Station Using Post-Combustion Solvent Scrubbing,” as outlined in Annex C of the DECC Guidance for a generating station with a net electrical output of more than 1520MWe and up to 1,700MWe; and

(b) details demonstrating how the capture equipment will fit into the space allocated for the plant including the submission of engineering design details.”

The above has been added as Requirement 29 of the draft DCO. An updated draft DCO (track changed version – Application Document Ref: 8.63) has been submitted as part of the Applicant’s Deadline 7 submission.

It is agreed between the parties that CCR has been sufficiently dealt with for the purposes of the DCO Application for up to 1,520MWe electrical output.

Sampling equipment for emissions stacks

- 2.42 At the Issue Specific Hearing on Environmental Matters on 13 June 2018, the EA raised the question as to whether monitoring probes of sufficient length are commercially available to sample an 8 m diameter stack. It is agreed that in order to comply with EA guidance, the stack has to be sampled from the centre, and therefore a probe of over 4 m in length would be required. The EA noted that at the previous plant, the monitoring had been compromised by the lack of availability of a suitable probe.

- 2.43 The Applicant has contacted vendors who manufacture and supply sample probes. The following response was received from Environmental Supply Company Ltd, based in the United States of America:
- "We manufacture probes of many different styles and up to 6 m long, so certainly we can make a 4 m probe. Attached are several photos of the different styles. The difficulty would be shipping such a long container, however it can certainly be accomplished. Let me know the style of probe or protocol to be followed and I will be glad to provide a sales quote if you wish."*
- 2.44 The probes supplied by Environmental Supply Company Ltd. would be suitable for undertaking the sampling in a stack diameter of 8 m. Therefore equipping the proposed plant with a stack of this diameter and with suitable sampling platform would not be an issue.
- 2.45 The EA has also carried out its own research and has concluded that probes of sufficient length can be sourced in the UK.
- 2.46 It is therefore agreed that a suitable probe could be sourced and that adequate monitoring could be carried out.

Construction Environmental Management Plan

- 2.47 Construction emissions would be controlled in accordance with industry best practice and this would be secured by the Construction Environmental Management Plan ('CEMP'), which would need to be developed and approved in accordance with Requirement 13 of the draft DCO [REP4-008].
- 2.48 The Application contained a framework CEMP (ES Volume 2, Annex L [APP-081]). The framework CEMP has since been updated by the Applicant to address comments made by the EA and others. The latest iteration of the framework CEMP (version 3) [REP4- 006] was submitted by the Applicant at Deadline 4 of the Examination.
- 2.49 The EA has reviewed the latest version of the framework CEMP and it is agreed that the scope is sufficient, including the commitment therein to consult with the EA. It is also agreed that Requirement 13 of the draft DCO is fit for purpose, on the basis that the updated draft [REP4-008] submitted at Deadline 4 includes a commitment to consult both the EA and the relevant highway authority.

Draft DCO

- 2.50 It is agreed that the following requirements contained at Schedule 1, Part 2 of the draft DCO [REP4-008] are adequate for their purpose:
- Requirement 20 'Combined heat and power';
 - Requirement 21 'CCS site'; and
 - Requirement 22 'CCS monitoring report'.

3 MATTERS TO RESOLVE

3.1 There are no outstanding matters to agree.

Document Ref. 7.4
Statement of Common Ground with the Environment Agency



Signed: [REDACTED]

Print name and position: *Louise Tait Senior Planning Advisor*

On behalf of the Environment Agency

Date: *27/09/2018*

Signed: [REDACTED]

Print name and position: *SCOTT TAYLOR AVP BUSINESS DEVELOPMENT*

On behalf of Sembcorp Utilities (UK) Limited

Date: *27/09/2018*



APPENDIX 1

creating a better place



Ms Alison Down
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: NA/2017/113566/01-L01
Your ref: 170221_EN010082-000011

Date: 16 March 2017

Dear Ms Down

**SCOPING OPINION REQUEST FOR PROPOSED TEESSIDE COMBINED
CYCLE POWER PLANT.
SITE OF THE FORMER TEESSIDE POWER STATION; GREYSTONE ROAD,
GRANGETOWN, MIDDLESBROUGH, TS6 6JF.**

Thank you for your letter referring to the above Scoping Opinion request which we received on 21 February 2017. We have assessed the supporting documents and have the following comments to make.

**Environmental Impact Assessment Requirements
Advice to applicant**

We request that the following information is included within the scope of the Environmental Impact Assessment:

- a stack height (and diameter) sensitivity study to be prepared to enable early agreement on stack design.
- a Combined Heat and Power (CHP) Ready assessment as required by Article 14 of the Energy Efficiency Directive to demonstrate the use of Best Available Techniques (BAT) to maximise energy efficiency. Please follow the link below for further information:
<https://www.gov.uk/government/publications/energy-efficiency-for-combustion-and-energy-from-waste-power-plants>
- Information relating to future-proofing this project, which considers the impact of the reduced emission limit values proposed in the European Union combustion BREF (Best Available Techniques Reference

Tyneside House, Skirringburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.
Customer services line: 03708 606 606
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk

creating a better place



Document), due to be published in 2017, which would require this plant to be compliant within 4 years, thereafter.

Teessmouth Special Protection Area

We wish to inform the operator/applicant that there is a proposed expansion of the Teessmouth Special Protection Area (SPA). Details of this proposed expansion to the SPA are available on the Natural England website at the following link:

<http://publications.naturalengland.org.uk/publication/5987328182283504>

Consideration will need to be had within the Environmental Impact Assessment and Habitats Directive Assessment to the proposed SPA expansion, as it will greatly increase the size of the existing protected area and move the SPA boundary closer to the proposed power plant site.

Environmental Permitting Regulations

Advice to applicant

The development will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact our Environment Management Officer Chloe Harvey-Walker at our Tyneside House Office either by telephone on 02030255292 or by email at [REDACTED] for further advice and to discuss the issues likely to be raised.

Additional 'Environmental Permitting Guidance' can be accessed via the Gov.UK website at: <https://www.gov.uk>

Abstraction Licence

Section 3.3.4 of the submitted scoping report discusses three available methods for cooling water. The Once-Through Cooling Systems method indicates that, due to the high volume of water required to operate the system, water will need to be abstracted from and returned to the river Tees (as opposed to utilising the Teesside Industrial raw supply and Wilton Site drains). The discharge of this water should be covered by the required Environmental Permit. However, the abstraction of the water will require a separate Abstraction Licence. The applicant is advised to contact our Permitting Support Centre at the following email address for further advice:

PSC-WaterResources@environment-agency.gov.uk

If you have any questions in respect of the above, please do not hesitate to contact me.

Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.
Customer services line: 03708 608 608
Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk



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Yours sincerely

Louise Tait
Senior Planning Advisor

Direct dial [REDACTED]
Direct e-mail [REDACTED]

Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.
Customer services line: 03708 506 506
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APPENDIX 2

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██████████
Sembcorp Utilities (UK) Limited
PO Box 1985
Wilton International
Middlesbrough
TS90 8WS

Our ref: NA/2017/113566/02-L01
Your ref: 170221_EN010082-000011
Date: 7 July 2017

Dear ██████████

**SECTION 42 REQUEST FOR ADVICE ON THE PROPOSED TEESSIDE
COMBINED CYCLE POWER PLANT
SITE OF THE FORMER TEESSIDE POWER STATION; GREYSTONE ROAD,
GRANGETOWN, MIDDLESBROUGH, TS6 8JF.**

Thank you for your consultation in respect of the above proposal which we received on 14 June 2017. We have assessed the submitted information and have the following comments to make.

**Preliminary Environmental Information Report (PEIR)
Advice to Applicant**

Paragraph 6.61 on Page 6-24 describes the history of the IPPC permits regulating previous operators on this site and states that

"One entry appears to be registered to Ensus UK Ltd for 'Organic Chemicals; Oxygen containing compounds'. This permit is understood, in fact, to be associated with the neighbouring Ensus bioethanol plant (see below), however, is listed in the Envirocheck database as 'onsite' due to inaccuracies in the IPPC registration system."

We agree that the Envirocheck database is incorrect in this matter. We can confirm that Ensus have not operated within the proposed installation boundary and the original permit holder was Enron. The following table is an extract from the Environmental Permitting Regulations (EPR) permit for GDF Suez Teesside Limited. The table shows that the operators of the previous site were Enron and then px Limited. Subsequently, GDF Suez Teesside Limited operated the site.

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Superseded or Partially Superseded Licences/Authorisations/Consents relating to this installation			
Holder	Reference Number	Date of Issue	Fully or Partially Superseded
Enron	AA8397(IPC)	24/07/92	Fully superseded
Enron	BR7429(IPC)	08/04/02	Fully superseded
px Limited	BY3924(IPC)	05/12/04	Fully superseded
px Limited	WP3133LB(PPC)	15/12/06	Fully superseded
px Limited	RP3834UY (PPC variation)	17/05/07	Fully superseded
px Limited	KP3130XR	23/11/07	Fully superseded

Annex H-Habitats Regulations Assessment in the PEIR Volume 2 states that the Process Contribution (PC) at the Teesmouth & Cleveland Coast SPA is 0.0433 kgN ha-1 yr-1 whereas the PC at the pSPA is 0.0407 kgN ha-1 yr-1. Unusually, the PC is lower at the pSPA, which is closer to the installation than the SPA. There might be an issue with this data and we advise that you investigate this further.

In Annex L – Air Quality in PEIR Volume 2, the PC_{LT} at the Teesmouth & Cleveland Coast SPA is detailed as 0.272ug/m3. However, in Annex H the same determinand is 0.301ug/m3. We consider that this discrepancy should be investigated as this affects the Process Contribution/Critical Load (PC/CL) data in Annex L.

Annex L shows the nitrogen (NOx) annual mean data at protected habitat sites. At Teesmouth & Cleveland Coast the PC/CL (%) is 0.9% which is below the 1% threshold for significance. However, the Predicted Environmental Concentration/Critical Load (PEC/CL) (%) is 107% and is 106% or 107% at a further 7 habitat locations, as the data is dominated by high background levels. We advise that you explain the location and measurement basis of background data and ensure that the same statistical basis is used to calculate process contributions and background concentrations. The national and non-statutory objectives are a benchmark for harm and any significant contribution to a breach is likely to be unacceptable but is assessed on a case by case basis taking account of the costs and benefits of the situation.

The submitted information mentions heights of 75 metres and 90 metres as options for the main stack. However, the stack height of the black start(s) stack(s) has not been mentioned in the report or included in the photomontages.



APPENDIX 3

David Sigsworth,
Environmental Technical Manager,
Sembcorp Utilities (UK) Limited,
Sembcorp UK Headquarters,
Wilton International,
Middlesbrough.
TS90 8WS

Our ref: EPR/JP3733YZ/A001
Your ref:
Date: 01 March 2017

Dear David,

TEES CCPP (COMBINED CYCLE POWER PLANT) PROJECT AT WILTON


Further to your email dated 10 February 2017 regarding the above scheme, we wish to make the following comments:

On the basis of the Environment Agency's current knowledge of the CCPP proposal, are there any indications that the EA is unlikely to agree to issue an Environmental Permit?

Initial discussions regarding the Environmental Permit have started between Sembcorp Utilities (UK) Limited and our local Installations Team. We have not received sufficient detailed technical information to complete a full technical assessment of the proposal. Notwithstanding this, from the information currently available, we do not feel there are any indications to suggest that we are unlikely to agree to issue an Environmental Permit. We understand that Sembcorp are currently preparing further information and will be submitting a permit application within 2017/18.

Please do not hesitate to contact me should you wish to discuss this issue further.

Yours sincerely,



Mrs Chloe Harvey-Walker
Installations Officer - Combustion Sector

Direct dial 02030 255292
Email chloe.harvey-walker@environment-agency.gov.uk

Environment Agency, Teesdale House, Lingfield Way, Darlington. DL1 4GQ

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