

The Planning Inspectorate
 Temple Quay House Temple Quay
 Bristol
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Our ref: NA/2022/115870/01-L01
Your ref: NET ZERO TEESSIDE
 PROJECT CONS
Date: 09 June 2022

Dear Sir/Madam

**EN010103: THE NET ZERO TEESSIDE NATIONALLY SIGNIFICANT
 INFRASTRUCTURE PROJECT. LAND IN THE VICINITY OF THE SSI STEEL
 WORKS SITE, REDCAR, TEESSIDE, TS10 5QW (DEADLINE 2)**

We have prepared responses to the Examining Authority’s First set of Written Questions issued on 19 May 2022 in respect of the above Development Consent Order application, and Deadline 1 submissions. These responses are outlined below.

ExQ1	Question to:	Question:
GENERAL AND CROSS-TOPIC QUESTIONS		
GEN. 1.1 6	Interested Parties (Ips)	<p>Section 5.10 of the Framework CEMP [APP-246] describes how various tasks will be undertaken by the Environmental Site Officer and Environmental Manager / Project Manager.</p> <p>Are the local authorities and other regulatory bodies such as the EA content that the roles of different personnel with regard to checking and corrective action are appropriately defined?</p> <p>GQ.1.1 GQ.1.2 EA response: GQ.1.3 Definition of an Environmental site officer/ project manager are appropriately defined. However, ecological supervision has not been included in this section. The Environmental Site Officer / Project Manager should liaise with appointed Ecological Clerk of Works for the instruction of impact</p>



ExQ1	Question to:	Question:
		avoidance commitments, and execution of species-specific toolbox talks, method statements, and any required ecological supervision.
AIR QUALITY AND EMISSIONS		
AQ.1.2	Applicants EA	<p>Paragraph 8.2.10 of the ES [APP-090] states that the EA are preparing Best Available Techniques (BAT) guidance for post-combustion carbon dioxide capture plants using amine-based technologies, due to be published in mid-2021.</p> <p>Provide an update on the development of BAT guidance and BAT-Associated Emission Levels (AELs), and an assessment of the implications of this, if any, for the air quality assessment.</p> <p>EA response: We have published the post combustion carbon dioxide capture BAT Guidance on GOV.UK. BAT AEL's have also been published. We will use the relevant BAT AEL's for our assessment of the air quality report submitted with the Environmental permit application.</p>
AQ.1.3	Applicants EA	<p>Environmental Assessment Levels are referred to in paragraphs 8.2.14 and 8.2.15 of the ES [APP-090] for mono-ethanolamine (MEA) and N-nitrosodimethylamine (NDMA). Have these now been formally adopted?</p> <p>EA response: Environmental Assessment Levels haven been updated and published and now include mono-ethanolamine and N-nitrosodimethylamine (NDMA). This information is available at Air emissions risk assessment for your environmental permit</p>
AQ.1.4	EA	<p>l) Is the EA satisfied with the approach taken to the modelling of amines described in Chapter 8 of the ES [APP-090] and</p>



ExQ1	Question to:	Question:
		<p>Appendix 8C [APP-249]?</p> <p>II) Is the EA content that the approach to modelling stack height and location described in paragraphs 8.2.40 and 8.2.43 of the ES [APP-090] is a reasonable 'worst case' scenario?</p> <p>III) Is the EA content that the emissions from the plant can be satisfactorily controlled via the environmental permitting regimes?</p> <p>EA response:</p> <p>i) We will assess the environmental impacts of amines as part of our determination of the environmental permit application. Therefore we cannot comment further on this matter.</p> <p>ii) Based on the information provided within the DCO application at this early design stage, the Applicant is using an approach to modelling to identify reasonable worst case scenarios. We will assess the environmental impacts of the emissions from the proposed stack heights, as part of our determination of the environmental permit application.</p> <p>iii) We are currently in the process of determining the permit application. We will only issue an environmental permit if we are satisfied that the proposal will protect the environment and human health and meet legal standards, and if we do issue a permit we will set the appropriate permit conditions to ensure this.</p>
AQ.1.13	Applicants EA/ NE RCBC STBC	<p>The assessment of cumulative effects described in Annex B of Appendix 8B [APP-248] suggests that the predicted environmental concentration (PEC) would increase to 72% of the critical load and would therefore exceed the threshold for significance for NO_x at Teesmouth and Cleveland Coast SPA, SSSI and Ramsar.</p>



ExQ1	Question to:	Question:
		<p>Paragraph 8.6.17 of Appendix 8B [APP-248] states that emissions would be regarded as insignificant if less than 70% of the critical level. The Applicants are asked how can this be resolved with the conclusion that 72% is not significant in Annex B?</p> <p>EA/ NE/ RCBC/ STBC are asked to comment on the Applicants' conclusion that because the predicted NO_x concentration remains below the critical level it is not significant.</p> <p>EA response: We will review environmental impacts upon local habitats as part of our determination of the environmental permit application.</p>
AQ.1.16	EA/NE RCBC STBC UK Health Security Agency	<p>Appendix 8B [APP-248] describes the approach taken to the assessment of the effects of the development on air quality during the operational phase. Do the named parties you have any additional comments that you would like to bring to the ExA's attention regarding the overall approach?</p> <p>EA response: We will review approach to modelling as part of our environmental permit application.</p>
BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT		
BIO.1.2	Applicants Ips	<p>Table 12.3 of the ES [APP-094] summarises the ecological field surveys completed, with further detail provided in Appendix 12 C [APP-301 to APP-304]. Are the Applicants and Ips content that all terrestrial ecology surveys remain valid given their age?</p> <p>EA response: Generally ecological assessments are valid for 12-18 months due to mobile nature of protected species, and INNS. Species specific survey work within the application is generally from 2018-2020. We previously requested an updated Otter and Water</p>



ExQ1	Question to:	Question:
		Vole assessment, which was due to be completed in Spring 2022.
BIO.1.5	Applicants Ips	<p>Paragraph 13.3.29 of the ES [APP-094] states that for some waterbodies scoped into the assessment no detailed surveys could be undertaken as access was not available, but assessments were undertaken based on habitats and comparable waterbodies and the potential for works to affect the ponds. The Applicants are asked to explain why this alternative approach was acceptable. IPs are asked to comment on this alternative approach.</p> <p>EA response: These waterbodies should be included in the assessment, and conclusions should not rely on habitat and comparable waterbodies. From aerial imagery, it is not understood why waterbodies 113 and 114 were not surveyed, as it appears there is an access track adjacent.</p> <p>Works will be taking place very close to Belasis Beck and disturbance to otter has not been fully considered. Several records of water vole have also been recorded across RSPB Saltholme. Therefore, should be included in assessments. If access is not possible, then a precautionary approach must be adopted, and appropriate mitigation and method statements should be included.</p>
BIO.1.16	Applicants Ips	<p>It is stated in the Landscape and Biodiversity Strategy [APP-079] (paragraph 4.8.1) that habitats that would be temporarily lost or damaged during construction would be reinstated on a like-for-like basis in accordance with the requirements of the relevant landowner. Should this be secured through the dDCO? Does specifying the need to do this through the final CEMP address it adequately? IPs are also invited to respond to this question.</p> <p>EA response: Details of the habitat reinstatement should be referred</p>



ExQ1	Question to:	Question:
		to in the Final CEMP. However compliance with the final Landscape and Biodiversity Strategy, including details of habitat reinstatement, should ideally be secured through the dDCO/ DCO for enforceability.
GEOLOGY, HYDROGEOLOGY AND LAND CONTAMINATION		
GH.1.1	Applicants EA RCBC STBC	<p>Chapter 10 of the ES [APP-092] states that ground investigation will take place in Q2/Q3 of either 2021 or 2022. Annex A of Appendix 10A [APP-292] shows the proposed preliminary exploratory hole locations.</p> <ul style="list-style-type: none"> i) The Applicants are asked to confirm the scope and timetable for the ground investigations, risk assessments and any remediation required. ii) Requirement 13 of the dDCO does not allow commencement of the development until a scheme to deal with contamination has been approved. How does the timetable in (i) relate to the proposed date for commencement of construction on the site? iii) Should ground investigation results not be available prior to the close of the Examination, what certainty can the ExA have that subsequent assessment would not demonstrate that the site is unsuitable for the Proposed Development? iv) Are the EA and LPAs content with the proposed locations and scope of the preliminary investigation outlined in Annex A of Appendix 10A [APP-292]? <p>EA response: IV) Ground investigation is an iterative process and further main ground investigation would be required, particularly in those areas where the existing built development currently prevents ground investigation to be undertaken and after consideration of the results the preliminary ground investigation. The EA requires further information on the preliminary</p>



ExQ1	Question to:	Question:
		<p>investigations. The information contained within Annex A does not confirm the scope of chemical analysis or monitoring works which are to be undertaken.</p>
GH1.3	Applicants EA RCBC STBC	<p>Paragraph 10.6.4 [APP-092] states that assessment of the significance of impacts will take into account the principles of assessment in CIRIA Report C552 (2001) and the EA’s Guiding Principles for Land Contamination (2010). Appendix 10C [APP-294] and Table 10A-28 of Appendix 10A [APP-293] contain an environmental risk assessment.</p> <ul style="list-style-type: none"> i) The Applicants are asked to explain how the risk assessments take into account the EA’s Guiding Principles for Land Contamination. ii) Please could all parties confirm that these are the most up to date and appropriate approaches for undertaking an assessment of the risks to controlled waters and human health iii) If this is not the case, then the Applicants should justify why it has taken this approach. <p>EA response: II) The most up to date EA guidance with respect to the assessment of the risks from land contamination to controlled waters are as follows:</p> <ul style="list-style-type: none"> • Land Contamination Risk Management (LCRM) (2021) • Managing and Reducing Land Contamination: Guiding Principles (GPLC) (2016). • The GOV.UK also contains technical guidance / position statements with respect to the Environment Agency’s approach to groundwater management, protection and prevention to groundwater pollution which the applicant would need to consider. This is available at <u>Groundwater protection</u> (www.gov.uk/government/collections/groundwa)



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		<p>ter-protection</p> <ul style="list-style-type: none"> Contaminated Land Risk Assessment. A Guide to Good Practice. CIRIA Report C552 (2001) is often used in a supplementary capacity with regards to environmental risk assessment. Industry Guidance: Qualitative Risk Assessment for Land Contamination including Radioactive Contamination (2012). This document is currently accessible on GOV.UK; Industry Guidance: qualitative risk assessment for land contamination including radioactive contamination
WE.1.14	Applicants EA Lead Local Flood Authorities (LLFAs)	<p>Paragraph 9.4.21 of the ES [APP-091] states that parts of the site are in Flood Zones 2 and 3 and a sequential test has been undertaken, as described in paragraphs 9.6.16 to 9.6.31 of Appendix 9A of the ES [APP-250]. Paragraph 9.6.21 of the ES [APP-250] states that all of the alternative sites listed are entirely in Flood Zone 1. Although reasons are given why the current site is preferable overall, this section does not explain why the other sites were not viable alternatives in the context of the flood risk.</p> <ul style="list-style-type: none"> i) Please provide an update to the flood risk assessment in light of the change request. Do any Above Ground Installations or work areas remain within Flood Zones 2 and 3? ii) Explain why the current site is preferable in the context of the sequential test and how the sequential test is passed. iii) The assessment should clearly separate out the components of the sequential and exception tests. iv) With regard to test 3 of the exception test (project safety), are the EA and LLFAs content that the development has been demonstrated as safe for its lifetime and that the Flood Emergency



ExQ1	Question to:	Question:
		<p style="text-align: center;">Response Plan is appropriate?</p> <p>EA response:</p> <p>IV) We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.</p> <p>In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, local authorities should refer to ADEPT/EA Flood Risk Emergency Plans for New Development ADEPT (adeptnet.org.uk) and undertake appropriate consultation with their emergency planners.</p>
WE.1. 21	Applicants EA LLFAs	<p>Paragraph 9.9.31 of the Flood Risk Assessment [APP-250] concludes that the access to and from the PCC Site would be flooded during higher return period events. It is proposed that members of staff either remain within the PCC Site area or are evacuated via the northern gate onto South Gare Road.</p> <ul style="list-style-type: none"> i) Are the EA and LLFAs satisfied with this solution? ii) How is access to the north secured? iii) Does this route remain above the worst-case cumulative flood levels? <p>EA response:</p> <p>We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to</p>



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		<p>occupants/users covered by our flood warning network.</p> <p>In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, local authorities should refer to ADEPT/EA Flood Risk Emergency Plans for New Development ADEPT (adeptnet.org.uk) and undertake appropriate consultation with their emergency planners.</p>

Statement of Common Ground

We are currently working with the Applicant on the Statemen of Common Ground document.

Please do not hesitate to contact me if you have any questions regarding this letter.

Yours faithfully

Lucy Mo
Planning Technical Specialist - Sustainable Places

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