

The Planning Inspectorate
Temple Quay House Temple Quay
Bristol
Avon
BS1 6PN

Our ref: NA/2022/115883/04-L02
Your ref: Net Zero Teesside
Date: 23 August 2022

Dear Sir/Madam

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

Please find enclosed our representations for Deadline 5 for this Development Consent Order (DCO) on behalf of the Environment Agency (EA).

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

Yours faithfully

Lucy Mo
Planning Technical Specialist - Sustainable Places

Direct dial [REDACTED]
Direct e-mail [REDACTED]@environment-agency.gov.uk



Summary of Environment Agency Written Representations

Deadline 5 Submission - 2.1 - Draft DCO - August 2022(D5) [REP5-002]

Requirement 13

We request that Requirement 13 is updated to include the following:

- A revision to section 2 (a) to state that a '**preliminary risk assessment** (desk study) and **risk assessment** that is supported by site investigation scheme'.
- A long-term monitoring plan to be agreed with the EA in respect of contamination, controlled waters screening criteria and any further remedial actions and submission of monitoring reports associated with such monitoring.
- Submission of an updated hydrogeological impact assessment / and hydrogeological conceptual model following further ground investigation / detailed design.
- A plan to be agreed to appropriately decommission and maintain monitoring boreholes and validation records.

Requirement 16

We request that Requirement 16 is updated to include reference to a groundwater monitoring plan.

Deadline 5 Submission - 6.4.5 ES Vol III Appendix 5A - Framework CEMP (Clean) August 2022 (D5) [REP5-013]

We request that the CEMP is updated to reflect our comments outlined in REP5-032 regarding groundwater monitoring system, further ground investigations and foundations/piling design. We also request that Table 5A-4: Geology, Hydrogeology and Contaminated Land considers the impact of surface water quality and groundwater quality.

Reference to CLR 11 Model Procedures for the Management of Contaminated Land should be amended to state Land Contamination: Risk Management guidance. In addition, we wish to highlight that Requirement 24 is incorrectly referred to instead of Requirement 23.

Deadline 5 Submission - 9.24 - Written Summary of ISH4 August 2022 (D5) [REP5-027]

With respect to item 4 (ground conditions), the EA has provided the Applicant with feedback to 'Deadline 3 Submission - Comments on any other information submitted at Deadline 2' [REP3-027].

It is our understanding that an updated Ground Investigation Interpretative Report would be provided after the examination period upon the completion of the outstanding ground investigation. Additional ground investigation will also be undertaken which will include additional groundwater monitoring from a wider range of locations and previously investigated areas. Following the ground



investigation works, documents such as the ground investigation report including controlled waters risk assessment and the hydrogeological impact assessment (HIA) would be updated, post examination.

Following our meeting with the Applicant on 20 July 2022, we wish to highlight the following:

- A further meeting is required to provide clarification around the presence of cyanide in the north west area.
- In view that there are possibilities for the reuse of slag materials (blast furnace and basic steel) on the site as part of the Applicants development (i.e. outside the remedial works by Teesworks), then further chemical analysis of these materials should be undertaken to “fingerprint” and fully characterise all chemical constituents.
- The reuse of slag materials by the Applicant may require a permit (or exemption) from the EA.
- The Ground Investigation Report should include a schematic site conceptual model (pre development) and schematic site conceptual model (post development) that would help reinforce the generic quantitative risk assessment.
- Monitoring wells that the Applicant no longer requires for monitoring purposes should be appropriately decommissioned prior to the commencement of remedial works by Teesworks. It is essential that monitoring wells no longer required are not allowed to form potential pollution pathways. Appropriate decommissioning records should be retained and provided as part of validation information under Requirement 13.
- We highlighted some concern around provision of Part 9 for Requirement 13 (relating to the use of previous remedial validation reports) but accepted that reuse of previous validation reports would be subject to acceptance by the Local Planning Authority and the EA.
- We we ██████████ the Applicants proposals for long term monitoring to be undertaken over period of 5 years post development.
- Additional ground investigation information may not be available until after the examination period. Therefore the EA accepted that the reports are likely to be updated with our comments and the results of additional ground investigation after the examination period.



Environment Agency Written Representations

Deadline 5 Submission - 2.1 - Draft DCO - August 2022(D5) [REP5-002]

Requirement 13

As part of our meeting with the Applicant/consultants on the 20 July 2022, we discussed Requirement 13 with respect to land contamination and groundwater. The proposed changes as set out in our representations (REP-032) have not been addressed. Therefore, the current wording of Requirement 13 is not acceptable and requires amendment. We have included an **updated** version of our written representation for Requirement 13 for consideration. In summary, we request that Requirement 13 is updated with the following amendments (highlighted in bold);

13.—(1) Subject to sub-paragraph (8), no part of the authorised development may commence, save for geotechnical surveys and other investigations for the purpose of assessing ground conditions, until a scheme to deal with the contamination of land, including groundwater, which is likely to cause significant harm to persons or pollution of controlled waters or the environment, has, for that part, been submitted to and, after consultation with the Environment Agency and STDC, approved by the relevant planning authority.

(2) The scheme submitted and approved under sub-paragraph (1) must be consistent with the principles set out in chapter 10 of the environmental statement and any construction environmental management plan submitted under requirement 16(1) and include—

(a) a preliminary risk assessment (**desk study**) and **risk assessment** that—

(i) is supported by site investigation scheme(s); and

(ii) identifies the extent of any contamination;

(b) an appraisal of remediation options and a proposal of the preferred option where the risk assessment indicates that remediation is required in order for the relevant area of land not to meet the definition of “contaminated land” under Part 2A (contaminated land) of the Environmental Protection Act 1990(a);

(c) where the **preliminary** risk assessment carried out under sub-paragraph (a) identifies the need for remediation, a remediation strategy which must include—

(i) the pre-remediation to ensure that the site will not meet the definition of “contaminated land” under Part 2A (contaminated land) of the Environmental Protection Act 1990; and

(ii) a verification plan, providing details of the data to be collected in order to demonstrate that the works set out in the remediation scheme submitted for approval under this sub-paragraph are complete;

(d) a materials management plan that is in accordance with the prevailing code of practice relevant to such plans, which sets out long-term measures with respect to any contaminants remaining on the site during and after the authorised development is carried out;

(e) details of how any unexpected contamination will be dealt with;

(f) a hydrogeological impact assessment including hydrogeological conceptual model as agreed with the Environment Agency, and updated as necessary following additional ground investigation;

(g) a long term monitoring and maintenance plan in respect of contamination including details of (but not limited to) monitoring (of soil, groundwater and surface water), appropriate screening criteria, a time table of monitoring and submission of monitoring reports as agreed with the Environment Agency;

(h) monitoring reports as specified in the approved monitoring and maintenance plan, including details of any necessary contingency action and / or proportionate mitigation measures arising from the monitoring shall be submitted to and agreed with the Environment Agency; and

(i) a plan for managing and /or decommissioning any boreholes installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved by the Local Planning Authority and agreed with the Environment Agency. The plan shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. Appropriate validation records within a report shall be submitted to demonstrate that all boreholes no longer required have been decommissioned in accordance with best practice.

~~and~~

~~(f) details of any ongoing monitoring.~~

(3) The authorised development, including any remediation and monitoring, must be carried out in accordance with the approved scheme unless otherwise agreed with the relevant planning authority **and Environment Agency**.

(4) Following the implementation of the remediation strategy approved under sub-paragraph (3), a verification report, based on the data collected as part of the remediation strategy and demonstrating the completion of the remediation measures must be produced and supplied to the relevant planning authority and the Environment Agency.

(5) Where the verification report produced under sub-paragraph (4) does not demonstrate the completion of the remediation measures, a statement as to how any outstanding remediation measures will be addressed must be supplied to the relevant planning authority and the Environment Agency at the same time as the verification report.

(6) The outstanding remediation measures must be completed to the reasonable satisfaction of the relevant planning authority, after consultation with the Environment Agency and STDC, by the date agreed with that authority.

(7) As an alternative to seeking an approval under sub-paragraph (1), the undertaker may instead submit for approval by the relevant planning authority **and Environment Agency**, following consultation with ~~the Environment Agency and~~ STDC, a notification that the undertaker instead intends to rely on any scheme to deal with the contamination of land (including groundwater) which relates to any part of Work Nos. 1, 7, 9A or 10 that has been previously approved by the relevant planning authority pursuant to an application for planning



permission or an application to approve details under a condition attached to a planning permission.

(8) If a notification under sub-paragraph (7) is—

(a) approved by the relevant planning authority then the undertaker must implement the previously approved scheme and an approval under sub-paragraph (1) is not required; or

(b) not approved by the relevant planning authority then an approval under sub-paragraph (1) is required.

(9) Sub-paragraphs (1) to (8) do not apply to any part of the Order land where the undertaker demonstrates to the relevant planning authority **and the Environment Agency** that the relevant part of the Order land is fit for the authorised development through the provision of a remedial validation report (which must include a risk assessment, details of any planning permission under which remediation works were carried out and any ongoing monitoring requirements) and the relevant planning authority notifies the undertaker that it is satisfied that the relevant part of the Order land is fit for the authorised development on the basis of that report.

(10) The undertaker must comply with any ongoing monitoring requirements and any activities identified as necessary by the monitoring contained within the documents submitted to and approved by the relevant planning authority pursuant to sub-paragraph (9).

Requirement 16

We request that Requirement 16 is updated to include reference to our written comments outlined in REP5-032 regarding the inclusion of wording relating to a groundwater monitoring plan.

Deadline 5 Submission - 6.4.5 ES Vol III Appendix 5A - Framework CEMP (Clean) August 2022 (D5) [REP5-013]

We request that the CEMP is updated to reflect our comments outlined in REP5-032 regarding groundwater monitoring system, further ground investigations and foundations/piling design.

With respect to Table 5A-4: Geology, Hydrogeology and Contaminated Land, reference [REDACTED] R 11 Model Procedures for the Management of Contaminated [REDACTED] This document has been withdrawn and has been superseded by Land Contamination: Risk Management guidance.

In relation to the bullet point relating to piling and penetrative foundation design method statement, Requirement 24 is incorrectly referred to instead of Requirement 23 of the DCO.

Consideration has not been made with regards to the adoption of surface water / run off control measures. Such measures, particularly during earthworks and construction would help prevent the infiltration of run off into the working area and reduce the likelihood for generation of leachate and subsequent migration. If



surface water / run off control measures were not implemented then the generation of leachate contamination would **impact surface water quality and groundwater quality**. This should be considered within Table 5A-4.

Deadline 5 Submission - 9.24 - Written Summary of ISH4 August 2022 (D5) [REP5-027]

With respect to item 4 (ground conditions), the EA has provided the Applicant with feedback to 'Deadline 3 Submission - Comments on any other information submitted at Deadline 2' [REP3-027].

It is our understanding following our meeting on the 20 July 2022 with Applicant/consultants that an updated Ground Investigation Interpretative Report would be provided after the examination period upon the completion of the outstanding ground investigation. Additional ground investigation will be undertaken which will include additional groundwater monitoring from a wider range of locations and previously investigated areas. We understand that following ground investigation works, documents such as the ground investigation report including controlled waters risk assessment and the hydrogeological impact assessment (HIA) would be updated, post examination.

Following our meeting with the Applicant and their consultants on 20 July 2022, we wish to highlight the following:

- A further meeting between the consultants and EA is required to provide clarification around the presence of cyanide (Prussian blue / blue billy) in the north west area.
- In view that there are possibilities for the reuse of slag materials (blast furnace and basic steel) on the site as part of the Applicants development (ie outside the remedial works by Teesworks), then further chemical analysis of these materials should be undertaken to "fingerprint" and fully characterise all chemical constituents. This would also inform what groundwater analysis should be undertaken as part of further ground investigation and long-term monitoring.
- The reuse of slag materials by the Applicant may require a permit (or exemption) from the EA.
- It would be beneficial for the Ground Investigation Report to include a schematic site conceptual model (pre development) and schematic site conceptual model (post development) that would help reinforce the generic quantitative risk assessment.
- We highlighted that monitoring wells that the Applicant no longer requires for monitoring purposes should be appropriately decommissioned prior to the commencement of remedial works by Teesworks. It is essential that monitoring wells no longer required are not allowed to form potential



pollution pathways. We also highlighted that appropriate decommissioning records should be retained and provided as part of validation information under Requirement 13.

- We highlighted some concern around provision of Part 9 for Requirement 13 (relating to the use of previous remedial validation reports) but accepted that reuse of previous validation reports would be subject to acceptance by the LPA and the EA.
- We welcomed the Applicants proposals for long term monitoring to be undertaken over a period of 5 years post development.
- Additional ground investigation information may not be available until after the examination period. Therefore the EA accepted that the reports are likely to be updated with our comments and the results of additional ground investigation after the examination period.

[REDACTED]