



## Meeting note

<b>File reference</b>	TR030002
<b>Status</b>	Final
<b>Author</b>	Hannah Nelson
<b>Date</b>	28 November 2014
<b>Meeting with</b>	Applicant
<b>Venue</b>	Teleconference
<b>Attendees</b>	<p><b>The Planning Inspectorate</b> Mark Wilson– Infrastructure Planning Lead Robert Ranger – Case Manager Sheila Twidle – Head of Environmental Services Laura Allen – Senior EIA and Land Rights Advisor Hannah Nelson – EIA and Land Rights Advisor</p> <p><b>Applicant</b> Morag Thomson (Marrons Shakespeares) Melissa Huree (Marrons Shakespeares) Siân John (Royal HaskoningDHV)</p>
<b>Meeting objectives</b>	Pre-application discussion following the Planning Inspectorate's attendance at a meeting held by the applicant on 27 November 2014
<b>Circulation</b>	All attendees

Following introductions, the Planning Inspectorate (the Inspectorate) advised on its openness policy that any advice given would be recorded and placed on the National Infrastructure Planning Portal website under section 51 of the Planning Act 2008 as amended (PA2008). Any advice given under section 51 does not constitute legal advice upon which applicants (or others) can rely.

The Inspectorate explained that the purpose of the meeting was to gain an understanding from the applicant on their approach to certain matters and to certain proposed submission documents, following the matters discussed at the meeting on 27 November 2014, which the Inspectorate attended.

### HRA approach

The applicant confirmed that their HRA would assess the potential effects of the proposed harbour facilities development order, alone and in combination with 'other plans and projects', on the European sites that may be affected by the harbour facility. The applicant explained that having considered the other elements of the

overall York Potash development in the HRA (the minehead, materials transport system and the materials handling facility), the only element which could interact with the harbour facilities development to potentially have an effect on a European site, was the materials handling facility. The minehead and materials transport facility had been 'screened out' as they would not give rise to an in combination effect with the harbour facility, as there no interaction between these developments on European sites. However, information about the potential effects arising from the minehead and the mineral transport system on European sites considered within the separate TCPA applications, submitted to North York Moors NPA and Redcar and Cleveland BC would be included within the documents provided with the harbour facility DCO application. The Inspectorate advised that where projects had been screened out, this should be clearly justified in the HRA Report and suggested that this approach is discussed with NE prior to submission.

The applicant explained that the only European sites potentially affected by the harbour facility, are the Teesmouth and Cleveland SPA and Ramsar sites. Therefore, the relevant baseline data for the harbour facility HRA is waterbird data. On this basis, the applicant would not provide other ecological baseline data, which did not relate to the qualifying features of these sites within the HRA (as identified in Table 7.5 of the draft HRA Report provided to the Inspectorate), but would instead provide this information in the ES. The Inspectorate agreed to this approach.

The applicant confirmed that detailed information on the proposed extension to the Teesmouth and Cleveland Coast SPA was not yet available. They were aware of the effects of the proposal on the functionally linked land to the SPA (Bran Sands Lagoon and Dabholm Gut) and therefore intend to assess these in their HRA. The Inspectorate considered this an appropriate way forward and advised the applicant to explain clearly in their HRA what information was currently available about the proposed extension to the SPA and how they have considered this through the assessment of the functionally linked land.

## **Description of the Development**

The applicant confirmed that they no longer intend to locate the construction compound on the landfill site at Bran Sands; instead the construction compound would be located on various sites including an additional area adjacent to the Materials Handling Facility site. All of these sites identified for the construction compound fall within the proposed DCO boundary for the harbour facility. The applicant confirmed that the potential impacts arising from the new location of the construction compound would be assessed in the submitted EIA.

The applicant confirmed that capital dredging would be required in the berth pocket to facilitate the construction of the quay structure, and a small amount of approach dredging would be required to assist vessel movements. However, capital dredging seaward of the port terminal would not be required. The applicant confirmed that these works would be carried out within the DCO boundary. The applicant confirmed that some of the dredged material was likely to be used for the habitat enhancement works in Bran Sands lagoon. Some of the dredged material may be contaminated and would require appropriate disposal on land; any other remaining material would be disposed of either on land or at sea. The Inspectorate reminded the applicant that these works would need to be assessed in the EIA. The applicant also confirmed that offshore disposal would require a marine licence and could be included in the deemed marine licence. A copy of the draft marine licence had been provided to the MMO that week for comment, which was awaited.

The applicant confirmed that two options for the conveyor route remain in the application and have been assessed in the ES, whilst the southern route is the preferred option this is still subject to detailed feasibility work. The Inspectorate advised the applicant that where alternative route options are retained in the DCO application, this would need to be clearly explained to the Examining Authority, if the application was accepted.

### **Habitat enhancement proposals**

The applicant confirmed that the habitat creation works on Bran Sands Lagoon constitute 'enhancement works' and are not required to mitigate any adverse effects in their HRA. The applicant confirmed that the enhancement proposals would form a 'Work' in the draft DCO, with the final detail to be agreed by way of a Requirement. Therefore, indicative proposals may be put forward in the application documents for this work. The applicant confirmed that these proposals would be assessed in the EIA and HRA. The Inspectorate noted that at the meeting on 27 November 2014, the EA raised the need for an EP licence in relation to the proposed enhancement works, due to disposal of dredged material into the Bran Sands Lagoon. This material is likely to be a mix of capital dredging obtained during construction of the harbour facility and material obtained during the maintenance dredging of the Tees. The applicant indicated that the intention was for the EP licence, if required, to be obtained as part of a separate application to the EA and not to be incorporated into the draft DCO application.

The Inspectorate sought clarification on the discussion between the applicant and the other attendees at the meeting on 27 November 2014, about whether the intertidal area that would be lost during the construction of the quay is intertidal mudflats, which requires compensating for, as part of the DCO application under the NPPF. The applicant advised that it disagrees with the notion that the intertidal area is intertidal mudflats due to the composition of the site. Therefore the applicant's view is that compensation is not required. However, the applicant is proposing habitat enhancement in Bran Sands Lagoon and is considering discussions with the local Wildlife Trust, regarding a potential scheme that the EA has advised them of on the Trust's land, for the creation of intertidal habitat. The applicant explained that any contribution towards this scheme would be a financial contribution which fell outside the DCO application and therefore would not be considered in the EIA. The Inspectorate confirmed that if monetary funds towards such works were not mitigation and would not form part of the DCO application, the implications of this contribution would not need to be assessed in the EIA.

### **AOB**

The applicant confirmed that they will provide a mitigation tracker table with the DCO application to assist in demonstrating how any mitigation measures relied on in the EIA and HRA are deliverable in the draft DCO.

The Inspectorate requested clarification from the applicant on the issues raised by NE in their letter dated 20 November 2014 to North York Moors NPA and Redcar and Cleveland BC, in relation to the TCPA applications, where NE had raised concerns regarding the proposed harbour facility. The applicant considered that information about these issues (bird data provision, habitat enhancement works and leaching issues) had been provided at the meeting held on 27 November 2014.

The applicant asked if they could submit a second draft consultation report so the Inspectorate could comment on this second draft. The Inspectorate confirmed that due to the short timescale prior to submission (15 December 2014 [Post meeting note – the applicant has advised the submission date will be 19 December 2014]) a detailed review of this second draft would not be possible, but the Inspectorate would seek to provide comments on any key issues, if time permitted.

In response to a query from the applicant, the Inspectorate explained that whilst it could not give a definitive view on acceptance, the matters discussed above did not appear to form substantive acceptance issues.