

Peter Robottom
National Infrastructure
Directorate
The Planning Inspectorate
(via e-mail only)

Our ref: NA/2015/112276/03-L01
Your ref: TR030002
Date: 07 September 2015

Dear Mr Robottom

**PROPOSED YORK POTASH HARBOUR FACILITIES
RESPONSE TO EXAMINING AUTHORITY'S WRITTEN QUESTIONS (ExQ –
Deadline II)**

Thank you for forwarding the Examining Authority's written questions on 27 July 2015.

The Environment Agency's responses to the relevant written questions are attached to this letter.

Please note that the Environment Agency reserves the right to make further comments on this application throughout the examination process and to modify its present advice or opinion in view of any additional information that may come to our attention.

Yours sincerely



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Environment Agency Responses to the Examining Authority's Second Round of Questions 27 July 2015

WFD 1.10

To: The Applicant

To: The Environment Agency

Paragraphs 6.4.80-82 of the ES (Doc 6.4), state that it is best practice to conduct a gas risk assessment in accordance with CIRIA 665 guidance. However, the existing monitoring reports used to establish the baseline environment do not include the required data to conduct an assessment in accordance with the CIRIA 665 guidance.

The Applicant is asked to clarify at Deadline 1 why the collection of appropriate data required to conduct the assessment in accordance with the best practice guidance was not undertaken.

The EA is asked to clarify at Deadline 2 whether this data is required? If so, please identify what additional data the applicant would need to collect to undertake the assessment.

We have no further comments to make to the applicants response. We are content that provisions are in place for appropriate measures to account for the possibility of landfill gas in any sub-surface excavations/installations and that if they are encountered, they can be respond to appropriately.

HWF 1.11

To: The Applicant

To: The Environment Agency

Monitoring and contingency plan

Although no significant impacts have been identified in the ES, paragraph 6.5.5 of the ES (Doc 6.4) confirms that groundwater and surface water monitoring in association with the aftercare of Bran Sands Landfill has been undertaken for a number of years and will continue to be undertaken and a contingency plan will be included in the CEMP should a departure from the baseline conditions be noted. However, it is unclear from the information provided in the ES whose responsibility it should be to undertake the monitoring and whether the existing monitoring regime is sufficient to provide the required data. It is unclear whether the monitoring would continue beyond the construction phase. The thresholds which trigger a need to enact a contingency plan have not been defined.

The Applicant is requested to provide at Deadline 1 details about the scope of the monitoring (groundwater and surface water and ground gas) and whether it would continue beyond the construction phase. If monitoring continues beyond the construction phase, the applicant is requested to clarify how this ongoing monitoring would be secured and delivered through

the DCO. The Applicant is also request to provide at Deadline 1 a description of the trigger thresholds for enacting the contingency plan. The EA is requested to comment on the applicant's response to this question at Deadline 2 and to state whether there are any concerns with the applicant's proposed approach to monitoring and enacting the contingency plan if required.

We can confirm that we have no current concerns to the proposed approach. The responsibility for the monitoring required under the Waste Management Licence remains with the permit holder. In this case currently its ICI Chemicals & Polymers and we understand the intention is that the permit is transferred to YPL. We are not aware of any formal application as yet. The site is currently working towards moving from a 'Closing' to a 'Closed' Landfill. To do this the site must be in full compliance with the terms of the licence conditions and as there are problems with gas migration from the site. Once accepted for 'Closed' status the site Closure Plan (which has been submitted) will be incorporated into the licence and it's this will specify the monitoring regime for the landfill site. This will continue until a site permit surrender application from the operator is accepted by the EA.

WFD 1.5

To: The Applicant

To: The Environment Agency

**To: The Marine Management
Organisation**

Detailed compliance assessment

In relation to each waterbody screened into the WFD Compliance Assessment, a number of mitigation measures are proposed to ensure any potential impacts of the proposed development would not cause deterioration in the status of the waterbody (e.g. paragraph 4.1.8). However, the WFD Compliance Assessment does not indicate how each of these measures would be secured in the DCO/DML.

The Applicant is asked to provide for Deadline 1 a Table identifying how each mitigation measure proposed in the WFD Compliance Assessment would be secured and delivered through the requirements/conditions in the DCO/DML.

Please can the MMO and EA comment for Deadline 2, on whether the wording of the requirements/conditions identified in the DCO/DML to secure and deliver the mitigation measures proposed in the WFD Compliance Assessment is sufficient? If not, please identify wording that would you consider appropriate to secure and deliver the mitigation measures proposed.

We can confirm that we are content with the wording suggested by the applicant.