

Peter Robottom  
National Infrastructure Directorate  
The Planning Inspectorate  
(via email only)

**Our ref:** NA/2015/112276/04-L01  
**Your ref:** TR030002  
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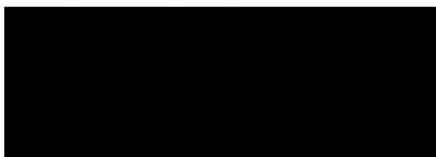
Dear Mr Robottom

**PROPOSED YORK POTASH HARBOUR FACILITIES  
RESPONSE TO EXAMINING AUTHORITY'S SECOND ROUND OF WRITTEN QUESTIONS  
BRAN SANDS, TEESIDE**

Thank you for forwarding the Examining Authority's written questions on 16 October 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 faithfully



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## Environment Agency Responses to the Examining Authority's Questions 18 October 2015

### DCO 2.14

To: **The Applicant, Environment Agency(EA), RCBC and MMO**

*Clarity with regard to enforcement*

Are the local planning authority and MMO satisfied that there is sufficient clarity as to the responsible body with regard to enforcement of the various requirement, provisions and conditions? For example is there a need to define 'land' generally in relation to the DCO and not just in Article 16? The points raised in question Ec 2.1 may also be relevant.

The Environment Agency has discussed this question with the MMO and defer to their response.

### HRA 2.4

To: **all IPs (in particular NE, EA, the MMO):**

3. Are the IPs satisfied that the MMS [REP2-006] submitted by the Applicant for Deadline 2 adequately secures the relevant mitigation relied on to reach the  
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Applicant's HRA conclusion of no adverse effect on the Teesmouth and Cleveland Coast SPA and Ramsar sites and addresses their previous concerns raised in relation to the operational monitoring and management of Bran Sands Lagoon? If not, can they explain why not?

4. Are all IPs content that the MMS is adequately secured in the revised DCO submitted at DL3 [REP3-002 and REP3-004] under Paragraph 7 of Part 2 and Condition 48 in Part 4 of the draft DML in Schedule 5 and as a certified Plan under Article 38(h) of the draft DCO? If not, can they explain why not?

5. Section 6.3 of the MMS provides some indication of the adjustments that could be made to the created habitats within the lagoon as intervention measures. The Applicant explains that it is not possible to definitely state what the intervention measures might be because the measures that may be required depend on analysis of the reasons the habitat enhancement proposals are deemed to be not meeting their objectives. Are the IPs satisfied that the proposed mechanisms in the MMS to adapt the strategy where the indicators of success are not being met, are sufficient? If not, what additional mechanisms are required?

The Environment Agency has discussed this question with the MMO and NE and defer to their responses.