

Date: 29 May 2018
Your Ref: EN010082
Our Ref: 8.34



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Dear Ms Williams,

EN010082 – THE TEES COMBINED CYCLE POWER PLANT PROJECT – APPLICANT'S DEADLINE 3 SUBMISSION

THE PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010 (AS AMENDED) – RULE 17

I write on behalf of Sembcorp Utilities (UK) Limited (the 'Applicant') in respect of Deadline 3 of the examination (the 'Examination') into the Tees Combined Cycle Power Plant Project (the 'Project').

Submission scope

For Deadline 3, the Examiner ('ExA') requested, amongst other things, any comments in respect of written representations, the Local Impact Report ('LIR') and the ExA's Written Questions.

The following documents are enclosed:

- Applicant's Comments on the Environment Agency's Responses to the Examiner's Written Questions (Application Document Ref: 8.35);
- Applicant's Comments on the Environment Agency's Written Representations (Application Document Ref: 8.36); and
- Applicant's Comments on Redcar and Cleveland Borough Council's Responses to the Examiner's Written Questions (Application Document Ref: 8.37).

The Applicant also wishes to comment on Redcar and Cleveland Borough Council's ('RCBC') LIR and the Health and Safety Executive's ('HSE') responses to the ExA's Written Questions. The comments are brief and are provided below and on the following pages, rather than as separate documents.

Comments on the LIR

The Applicant notes that for the most part no further comment is necessary. However, the Applicant considers it necessary to comment in respect of 'noise' and 'social economic issues', where some limited confirmation and clarification has been requested by RCBC.

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Noise

The LIR does not raise any new issues in relation to noise.

At paragraph 9.24, RCBC requests that the efficacy of the acoustic wall is verified. At paragraph 9.25, RCBC goes on to request that the efficacy of the acoustic model is also verified. The Applicant's comments are below.

In respect of the acoustic wall, the Applicant's response to Q1.9.7 provided in the Applicant's Response to Examining Authority's Written Questions (Application Document Ref: 8.6) submitted at Deadline 2 of the Examination states:

“Three factors could affect the performance of the noise barrier in terms of reducing noise during construction or operation. Firstly a sufficiently high barrier mass is selected to resist the passage of sound through the barrier. This will have been specified at an appropriate level to ensure that no significant sound passed through the barrier during its original design. The acoustically absorbing materials on the surface of the barrier will also reduce reflections and increase performance. However, the key effect on performance will be the height and location to sources and receptors, and this has been modelled as part of the construction and operational noise study.

Although it was noted that the existing wall may require some maintenance, on page 8-6 of the ES Chapter 8 [APP-050], the Applicant has committed to the following:

“The noise model simulated the existing wall as a highly absorptive barrier (i.e. with reflection loss > 11 dB, and absorption coefficient $\alpha > 0.91$). Prior to the commencement of construction the EPC contractor will verify the efficacy of the wall to ensure it meets or exceeds this assumption.”

Since the appropriate materials will be selected for the barrier and its location and height will be optimised as described above, it can be expected that the predicted attenuation values will be realised (subject to inevitable tolerances between modelled and measured values).”

The above is secured by Requirement 20 (Control of noise during operational phase) of the draft DCO [APP-005]. The requirement includes that no phase of the authorised development can be commissioned until a written programme for the monitoring and control of noise during the operational phase of that phase of the authorised development has been submitted to and approved by the relevant planning authority (i.e. RCBC) in consultation with the Environment Agency. Part 2 (e) requires the submission and approval of details relating to the acoustic walls, thereby allowing efficacy to be considered and secured.

In respect of the noise model, the Applicant refers RCBC and others to Q1.9.17 in the Applicant's Response to Examining Authority's Written Questions, which includes reference to Requirement 20. Part (2) of Requirement 20 states that the programme submitted and approved must specify, amongst other things, each location from which noise is measured, the method of noise measurement, maximum permitted noise levels and mitigation measures. This secures the ability of RCBC and others to verify the efficacy of the noise model.

It is considered that the above matter deals with RCBC's comments in respect of noise in the LIR.

Social economic issues

At paragraphs 9.34 and 9.35 of the LIR, RCBC states that:

“We would welcome a partnership approach with the Council's Routes to Employment Team when looking to recruit staff for the varied phases via the promotion of job opportunities to our local residents.

The Council's Business Growth Team would proactively engage with local businesses to raise awareness of the opportunities in the sector with the aim to build up the existing local supply chain to service projects in UK.”

The Applicant can confirm that it would also welcome a partnership approach with the Routes to Employment Team.

Comments on the HSE's response to the ExA's Written Questions

The Applicant wishes to comment on the HSE's responses to Q1.3.41 – see below.

The draft DCO [APP-005] contains a safety requirement which was taken from the South Hook Combined Heat and Power Plant Order 2014. This was included following the Stage 2 pre-application consultation response from the HSE which stated the following:

“At this stage the Preliminary Environmental Information Report does not contain any information on the extent and severity of known hazards from the proposed CCPP, with the potential to impact on local populations, and/or the adjacent major hazard installations alluded to above. The loss of fuel gas containment may give rise to vapour cloud explosion, jet fire or flash fire. These may in turn escalate to adjacent plant. HSE suggests that the Applicant should provide such information before the project is accepted for examination. The need for this consideration, at this stage of the development, was supported in 2014 by the Secretary of State for Energy and Climate Change in a ruling on a power plant order application [South Hook]. This can be found at <http://infrastructure.planningportal.gov.uk/document/2780656>. This also noted that the preparation and approval of a high level assessment need not have a significant impact on project timescales, since at this stage this does not need the detailed design or detailed risk assessment to be considered.”

As the Applicant cannot carry out any sort of assessment until an Engineering Procurement Contractor ('EPC') is appointed, it was considered appropriate to include the requirement from the South Hook Order which the examiner imposed to ensure HSE's concerns were addressed.

The HSE has now proposed alternative wording, which, in the Applicant's view, does something quite different to what was requested in the consultation response and the Applicant needs to clarify the position with HSE. Especially as the proposed wording appears to duplicate statutory requirements.

I trust that this letter and enclosures provide the information required from the Applicant for Deadline 3.

I would be grateful if you could confirm receipt of this letter.

Yours sincerely



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Encs:

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