

## Tees CCPP Project

### The Tees Combined Cycle Power Plant Project Land at the Wilton International Site, Teesside

Statement of Common Ground with the Environment Agency  
**NOT SIGNED**

The Planning Act 2008



**Applicant:** Semcorp Utilities (UK) Ltd

**Date:** August 2018

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## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
<b>CEMP</b>	Construction environment management plan
<b>CHP</b>	Combined Heat and Power
<b>CCR</b>	Carbon Capture Readiness
<b>CCS</b>	Carbon Capture and Storage
<b>DCO</b>	Draft Consent Order
<b>DECC</b>	Department for Energy and Climate Change
<b>EA</b>	Environment Agency
<b>EP</b>	Environmental Permit
<b>ES</b>	Environment Statement
<b>MW</b>	Megawatt
<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>PINS</b>	Planning Inspectorate
<b>SCU</b>	Sembcorp Utilities (UK) Ltd
<b>SoCG</b>	Statement of Common Ground
<b>SoS</b>	Secretary of State
<b>the Applicant</b>	Sembcorp Utilities (UK) Limited
<b>the Order</b>	Tees Combined Cycle Power Plant Order

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## **1 INTRODUCTION**

### **Overview**

- 1.1 This Statement of Common Ground ('SoCG') has been prepared on behalf of Sembcorp Utilities (UK) Limited ('SCU' or the 'Applicant') in respect of its application (the 'Application') for a Development Consent Order (a 'DCO'). The Application was accepted for examination by the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy on 18 December 2017.
- 1.2 SCU is seeking a DCO for the construction, operation and maintenance of a new gas-fired electricity generating station with a nominal net electrical output capacity of up to 1,700 megawatts ('MW') at ISO conditions (the 'Project' or 'Proposed Development'), on the site of the former Teesside Power Station, which forms part of the Wilton International Site, Teesside.
- 1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under Sections 14 and 15(2) of the Planning Act 2008 ('PA 2008').
- 1.4 The DCO, if made by the SoS, would be known as the 'Tees Combined Cycle Power Plant Order' (the 'Order').

### **SCU**

- 1.5 SCU provides vital utilities and services to major international process industry customers on the Wilton International site on Teesside. Part of Sembcorp Industries, a Singapore-based group providing energy, water and marine services globally, Sembcorp Utilities UK also owns some of the industrial development land on the near 810 hectares (2,000 acre) site which is marketed to energy intensive industries worldwide.
- 1.6 SCU owns the land required for the Proposed Development.

### **The Project Site**

- 1.7 The Project Site (the 'Site') is on the south west side of the Wilton International Site, adjacent to the A1053. The Site lies entirely within the administrative area of Redcar and Cleveland Borough Council ('RCBC') which is a unitary authority.
- 1.8 Historically the Site accommodated a 1,875 MW Combined Cycle Gas Turbine power station (the former Teesside Power Station) with the ability to generate steam for utilisation within the wider Wilton International site. The Teesside Power Station ceased generation in 2013 and was demolished between 2013 and 2015.
- 1.9 SCU has identified the Site, based on its historical land use and the availability of natural gas supply and electricity grid connections and utilities as a suitable location for the Project. In summary, the benefits of the Site include:
  - brownfield land that has previously been used for power generation;
  - on-site gas connection, supplied from existing National Grid Gas Plc infrastructure;
  - on-site electrical connection, utilising existing National Grid Electricity Transmission infrastructure;
  - existing internal access roads connecting to a robust public road network;
  - availability of a cooling water supply using an existing contracted supply (from the Wilton Site mains) and existing permitted discharge consent for effluent to the site drainage system
  - screening provided by an existing southern noise control wall, approximately 6 m in height;
  - potential for future combined heat and power and carbon capture and storage; and
  - existing services, including drainage.

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1.10 A more detailed description of the Site is provided at Chapter 3 ‘Description of the Site’ of the Environmental Statement (‘ES’) Volume 1 [APP-045].

### The Proposed Development

1.11 The main components of the Proposed Development are summarised below:

- **Work No. 1** – a natural gas fired electricity generating station located on land within the Wilton International site, Teesside, which includes the site of a former CCGT power station, with a nominal net electrical output capacity of up to 1,700 MWe at ISO Conditions; and
- **Work No. 2** – associated development comprising within the meaning of section 115(2) of the 2008 Act in connection with the nationally significant infrastructure project referred to in Work No. 1.

1.12 Please refer to Schedule 1 of the Draft DCO [REP4-008] for more detail.

1.13 It is anticipated that subject to the DCO having been made by the SoS (and a final investment decision by SCU), construction work on the Project would commence in around the second half of 2019. The construction of the Project could proceed under one of two scenarios, based on SCU’s financial modelling, as follows.

- **‘Scenario One’**: two CCGT ‘trains’ of up to 850 MW are built in a single phase of construction to give a total capacity of up to 1,700 MW.
- **‘Scenario Two’**: one CCGT train of up to 850 MW is built and commissioned. Within an estimated five years of its commercial operation the construction of a further CCGT train of up to 850 MWe commences.

1.14 The above scenarios have been fully assessed within the ES.

1.15 A more detailed description of the Project is provided at Schedule 1 ‘Authorised Development’ of the draft DCO [REP4-008] and Chapter 5 ‘Project Description’ of the ES Volume 1 [APP-047].

### The purpose and structure of this document

1.16 The purpose of this SoCG is to set out the agreement (see Section 2 of this report) that has been reached between the Applicant and the Environment Agency (‘EA’) in respect of the following matters:

- the role of the EA;
- consultation;
- environmental permit;
- air quality assessment;
- Water Framework Directive;
- flood risk/surface water;
- nature conservation;
- noise and vibration;
- combined heat and power;
- carbon capture and storage;
- Construction Environmental Management Plan; and
- the draft DCO.

1.17 In addition, this SoCG also sets out where matters remain to be resolved (see Section 3 of this report).

## **2 MATTERS AGREED**

### **The role of the Environment Agency**

- 2.1 The EA is a non-departmental public body, the purpose of which is ‘to protect or enhance the environment taken as a whole’, so as to contribute to ‘the objective of achieving sustainable development’.
- 2.2 The EA is a statutory consultee in respect of all DCO applications that are likely to affect land in England. Annex D of Advice Note 11 ‘Working with Public Bodies’ produced by the Planning Inspectorate (‘PINS’) sets out in detail the role of the EA in the DCO process, including the level of input and agreement that might be expected from the EA.
- 2.3 The role and responsibilities of the Environment Agency under the PA 2008 fall into the following categories:
- statutory consultee, as a prescribed consultee by applicants under Section 42 of the PA2008 or by the PINS as a consultation body in relation to any EIA scoping; and
  - consenting body / authority.
- 2.4 The above include that the EA provides environmental advice on matters that concern it.
- 2.5 In respect of environmental permitting and the EA as consenting body; Advice Note 11 includes that where an environmental permit (‘EP’) is required, under the Environmental Permitting Regulations 2016, the EA should provide a preliminary opinion and indicate one of three positions in relation to the likelihood of gaining the permit:
- Position 1 – No major permitting concerns;
  - Position 2 – More detailed consideration is required and parallel tracking is recommended; or
  - Position 3 – Don’t proceed – unlikely to grant a permit.
- 2.6 It is important to note that the EA is not expected to pre-determine an EP during the determination of a DCO application; however, a level of advice on permitting and environmental matters in the context of the PA 2008 is required.
- 2.7 The EA is a competent authority for the purposes of the Habitats Regulations when determining applications for permits, consents and licences for which it is the regulatory authority. Where a NSIP has the potential to have a significant effect on European sites and a permit, consent or licence is also required, the Environment Agency is required to assess the likelihood and scale of these effects.
- 2.8 The EA is a competent authority when determining applications for permits, consents and licences for which it is the regulatory authority. During the application process, where an NSIP has the potential to have a significant effect on European sites and an environmental permitting regulations permit is also required, the EA is required to consider whether sufficient information has been provided to demonstrate that environmental risks can be managed.
- 2.9 The EA is also a competent authority for the Water Framework Directive (‘WFD’) and has a general duty under the Water Environment (Water Framework Directive) (England & Wales) Regulations 2017 (the WFD Regulations).

### **Consultation with the Environment Agency**

- 2.10 The Applicant engaged with the EA on the Project during the pre-application process by way of informal non-statutory engagement and also during the formal consultation carried out pursuant to section 42 of the PA 2008. This took the form of a meeting with Environmental Management Officers from the EA and written feedback from the EA’s Planning Advisors in the Sustainable Places team, as detailed in the Consultation Report [APP-032].
- 2.11 The EA was first formally consulted on the Proposed Development by the Planning Inspectorate (‘PINS’) in March 2017 in response to SCU’s request for an Environmental Impact Assessment (‘EIA’) Scoping

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Opinion. The EA responded to the consultation via letter dated 16 March 2017 (included as **Appendix 1** to this report).

2.12 The letter stated that certain information should be included in the scope of the EIA, as follows:

- a stack height (and diameter) sensitivity study to be prepared to enable early agreement on stack design;
- a Combined Heat and Power ('CHP') Ready assessment, as required by Article 14 of the Energy Efficiency Directive – to demonstrate the use of Best Available Technique ('BAT') to maximise energy efficiency; and
- information relating to future proofing the Project, which considers the impact of the reduced emission limit values proposed in the European Union combustion Best Available Techniques Reference Document.

2.13 The EA was consulted again by the Applicant as part of the PA 2008 section 42 consultation. The EA responded by letter on 7 July 2017 (included as **Appendix 2** to this report), including a number of comments and queries. Each of the EA's queries/comments, along with SCU's response, is set out in **Table 2.1** below.

**Table 2.1 – Consultation summary**

<b>Topic/Query Type</b>	<b>Query/comment</b>	<b>SCU Response</b>
IPPC Permit	Confirmation that Ensus have not operated the proposed installation boundary and the original permit holder was Enron.	No action/response required.
Data Correction	Possible discrepancy in the Process Contribution at the Teesmouth & Cleveland Special Protection Area ('SPA') - advise that you investigate this further.	Data investigated and corrected in the submitted ES (ES Volume 2, Annex H 'HRA' [APP-076]).
Text Correction	In Annex L – Air Quality in PEIR Volume 2, the PCLT at the Teesmouth & Cleveland Coast SPA is detailed as 0.272ug/m3. However, in Annex H the same determinant is 0.301ug/m3. We consider that this discrepancy should be investigated as this affects the Process Contribution/ Critical Load (PC/CL) data in Annex L.	Discrepancy investigated and corrected in the submitted ES (ES Volume 2, Annex H 'HRA' [APP-076]).
Text Correction	Annex L shows the nitrogen (NOx) annual mean data at protected habitat sites. At Teesmouth & Cleveland Coast the PC/CL (%) is 0.9% which is below the 1% threshold for significance. However, the Predicted Environmental Concentration/Critical Load (PEC/CL) (%) is 107% and is 106% or 107% at a further 7 habitat locations, as the data is dominated by high background levels. We advise that you explain the location and measurement basis of background data and ensure that the same statistical	Discrepancy investigated and corrected in the submitted ES (ES Volume 2, Annex H 'HRA' [APP-076]).



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Topic/Query Type	Query/comment	SCU Response
	basis is used to calculate process contributions and background concentrations.	
Clarification	The stack height of the black start(s) stack(s) has not been mentioned in the report or included in the photomontages.	The black start units have been removed from the Proposed development.
Clarification	A stack height and sensitivity study must be provided as part of the Development Consent Order (DCO) application.	A stack height assessment has been included as part of the submitted ES (ES Volume 2, Annex E1 [APP-069]).
Clarification	It might be useful for the applicant to provide a comparison between the old GDF Suez stack height and the proposed stack height, to help local residents assess the visual impact. We understand that the environmental information in the PEIR report will be fed into the DCO application. We recommend that the individual paragraphs of the DCO application are numbered for ease of reference.	The old GDF stack height was lower at the time the plant was built. A comparison with the adjacent Ensus stack (80m) has been included in the submitted ES to help local residents assess the visual impact. See ES Volume 1, Chapter 11 'Landscape and Visual' [APP-053].
Acknowledgement	An abstraction licence will not be required for the proposed development.	No action/required.

## Environmental Permit

- 2.14 There are a number of other consents and licences, in addition to the DCO, that are required in respect of the construction and operation of the Project, including an EP. Although the PA 2008 provides the ability to include the EP within the DCO, the Applicant has chosen approach to progress the EP separately – the reasoning behind this is set out in paragraph 2.15 below.–
- 2.15 The consents and licences that the Applicant has identified as being required, in addition to the DCO, are listed within the 'Other Consents and Licences' document [APP-035]. This is a live document and details the discussions that have taken place to date with the relevant consenting bodies. It also sets out any actions that are required and confirms the status of the applications required.
- 2.16 Annex D of Advice Note 11 states that in some cases it is recommended that applicants submit their permit application at the same time as the submission of the DCO, as this allows the EA to proceed with its assessments and may then be in a position to indicate whether it is likely to grant a permit before the DCO examination closes. This approach is recommended in instances where the proposed technology provider (for the turbine etc.) has been selected. However, in this particular instance, the Applicant (SCU) has not yet selected a technology provider and so the EP application has not yet been submitted.
- 2.17 It is agreed that this is not an unusual scenario and that under these circumstances, there is no requirement to parallel track the permitting application and DCO.
- 2.18 It is agreed, in accordance with Section 5 of the Overarching National Policy Statement for Energy (EN-1), paragraph 4.10.6, that the Applicant has made early contact with the EA in respect of the EP. The



contact was made to discuss the requirements of the EP application and to ensure that it took account of all relevant considerations.

- 2.19 It is agreed that at present there are no indications to suggest that an EP will not be issued; this reflects Position 1 in Advice Note 11. This position is set out in the letter from the EA dated 01 March 2017 – included as **Appendix 3** to this report. It is acknowledged by the Applicant that the letter was issued by EA following pre-permit discussions and comprises preliminary advice only.
- 2.20 Notwithstanding the statement at paragraph 2.18, it is agreed that the EA is unable to pre-determine the environmental permit and needs to receive sufficiently detailed technical information (as part of the permit application) to complete a full technical assessment of the Project.

### **Air quality**

- 2.21 It is agreed, in terms of methodology, that the effects on human and ecological receptors must be assessed using the maximum ground level concentration at any point on the grid predicted by atmospheric dispersion modelling as a worst case approach. In addition, it is agreed that the results of the modelling must be based upon the worst case results for any of the five years of meteorological input data used.
- 2.22 There is the potential for air quality impacts as a result of direct emissions to air from operation of the Project. Impacts on air quality could lead to effects on both sensitive human and ecological receptors.
- 2.23 The Applicant has therefore undertaken dispersion modelling to assess the effects from the operational Project on sensitive human and ecological receptors – see submitted ES Volume 1, Chapter 7 ‘Air Quality’ [APP-049]. Following the section 42 consultation, the Applicant addressed matters raised by the EA and Natural England in the air quality assessment and associated annexes, including ES Volume 2, Annex E1 ‘Stack Height Assessment’ [APP-069].
- 2.24 The EA has confirmed that final conclusions in respect of air quality will require a full assessment of the modelling source data as part of the EP determination process.
- 2.25 Notwithstanding the above, the EA agrees that relevant information, sufficient for the DCO process, has been provided by the Applicant in respect of air quality. Furthermore, it is agreed that at the present time the EA is not aware of any reason why it would not be possible to satisfactorily address relevant air quality matters as part of the EP application process.

### **Noise impacts**

- 2.26 It is agreed that the Proposed Development will require an EP and that the Applicant will need to submit further detail in respect of noise at the EP stage, in order for the EA to draw final conclusions in respect of noise.
- 2.27 Notwithstanding the above, it is agreed that Requirement 19 of the draft DCO (Version 5) (Application Document Ref: 8.51) provides appropriate operational noise safeguards for the EA, on the basis that the wording of the requirement includes that:
- “The commissioning of the authorised development must not commence 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 in consultation with the Environment Agency.”*
- 2.28 It is agreed that at this point in time the EA is not aware of any reason why it would not be possible to satisfactorily address noise matters as part of the EP application process.

### **Flood risk/surface water**

- 2.29 The assessment of effects of the Project in terms of flood risk and surface water are set out in ES Volume 1, Chapter 6 ‘Geology, Hydrogeology and Contamination’ [APP-048] and ES Volume 2, Annex C ‘Flood Risk Assessment’ [APP-064].
- 2.30 It is agreed that the Site is located within Flood Zone 1 and that this is the zone with the lowest risk of flooding. The EA considers the relevant body to comment should be the Lead Local Flood Authority, RCBC, who is responsible for managing local sources of flooding from surface water, groundwater and

small ‘ordinary’ watercourses. The EA, therefore, has no further comments to make in respect of flood risk and surface water and consider that these matters are outside of the EA’s remit to comment upon.

### **Water Framework Directive**

- 2.31 On the basis of the information provided by the Applicant, it is agreed that the Proposed Development will have no significant adverse impact upon WFD water bodies. There is therefore no obligation on the Applicant under the WFD to provide specific mitigation measures in respect of relevant water bodies.
- 2.32 Notwithstanding the above, the Applicant is already voluntarily participating in water course clean up initiatives in the area and is committed to continuing participation in the future. Specifically, the Applicant has participated in the River Tees Clean Up Initiative that took place in February 2018. This was organised by the Tees Rivers Trust in conjunction with the National Lottery funded organisation River Tees Regenerated. The initiative focused on collecting plastic and other debris that had washed onto the riverfront. The Applicant is intending to participate in a further clean up, expected to take place in August 2018. The Applicant is also working with the Industry Nature Conservation Association (‘INCA’) on biodiversity enhancement on land owned by SCU on the Wilton International Site, including water bodies. In recent discussions, the Applicant has agreed to join the work INCA is doing with other companies in the Tees Estuary Partnership and has pledged an initial £500 to cover INCA activities. The Applicant is proposing to agree a suitable, future project to work on with INCA and proposes to make a further, more substantial, financial contribution.
- 2.33 It is agreed that the above demonstrates that the Applicant is pursuing and partaking in practicable opportunities to enhance and improve a WFD water body, in addition to other improvement on the Wilton International Site. Furthermore, it is agreed that WFD matters have been satisfied for the purposes of the DCO application.

### **Groundwater and land contamination**

- 2.34 It is agreed that the EA has no comments to make in respect of groundwater and contamination impact associated with the Proposed Development in relation to the DCO.

### **Habitat Regulations Assessment**

- 2.35 The assessment of effects upon nature conservation is set out in ES Volume 1, Chapter 9 ‘Ecology’ [APP-051] and ES Volume 2, Annexes G1 ‘Effects of Air Quality on Nationally and Locally Designated Sites’ [APP-073], and ES Volume 2, Annex H ‘Habitats Regulations Assessment’ [APP-076].
- 2.36 The purpose of the Habitat Regulations Assessment (‘HRA’) is to identify any aspects of the proposed development that would have the potential to cause a likely significant effect on Natura 2000 or European sites (Special Areas of Conservation (‘SACs’), Special Protection Areas (‘SPAs’) and Ramsar sites), (either in isolation or in combination with other plans and projects), and to identify appropriate avoidance and mitigation strategies where such effects are identified.
- 2.37 Once the preferred technology has been chosen at the environmental permitting stage, any emissions would be able to be predicted more accurately. During the determination of the Environmental Permit (‘EP’), the EA will further assess the impacts of the proposed activities on the protected habitats in the vicinity of the Project Site within an updated HRA. The EA will consult Natural England for its assessment of the HRA as part of the EP determination process. The EA will also assess the updated air impact modelling results, limiting operations to reduce the environmental impact, if necessary.
- 2.38 Notwithstanding the above, the EA agrees that relevant information, sufficient for the DCO process, has been provided by the Applicant in respect of ecology and protected sites. Furthermore, it is agreed that at the present time the EA is not aware of any reason why it would not be possible to satisfactorily address relevant ecological matters as part of the EP application process.

### **Combined Heat and Power**

- 2.39 It is agreed that sufficient information has been provided by the Applicant under the DCO process to satisfy requirements relating to CHP, including adequately demonstrating the ‘CHP-Ready’ status of the Proposed Development. Furthermore, it is agreed that Requirement 21 ‘Combined heat and power’ of the

draft DCO [REP4-008] adequately secures space and routes for the provision of CHP over the lifetime of the Proposed Development (should CHP become economically viable in the future).

### **Sampling equipment for emissions stacks**

- 2.40 At the Issue Specific Hearing on Environmental Matters on 13 June 2018, the EA raised the question as to whether monitoring probes of sufficient length are commercially available to sample an 8 m diameter stack. It is agreed that in order to comply with EA guidance, the stack has to be sampled from the centre, and therefore a probe of over 4 m in length would be required. The EA noted that at the previous plant, the monitoring had been compromised by the lack of availability of a suitable probe.
- 2.41 The Applicant has contacted vendors who manufacture and supply sample probes. The following response was received from Environmental Supply Company Ltd, based in the United States of America:
- “We manufacture probes of many different styles and up to 6 m long, so certainly we can make a 4 m probe. Attached are several photos of the different styles. The difficulty would be shipping such a long container, however it can certainly be accomplished. Let me know the style of probe or protocol to be followed and I will be glad to provide a sales quote if you wish.”*
- 2.42 The probes supplied by Environmental Supply Company Ltd. would be suitable for undertaking the sampling in a stack diameter of 8 m. Therefore equipping the proposed plant with a stack of this diameter and with suitable sampling platform would not be an issue.
- 2.43 The EA has also carried out its own research and has concluded that probes of sufficient length can be sourced in the UK.
- 2.44 It is therefore agreed that a suitable probe could be sourced and that adequate monitoring could be carried out.

### **Construction Environmental Management Plan**

- 2.45 Construction emissions would be controlled in accordance with industry best practice and this would be secured by the Construction Environmental Management Plan (‘CEMP’), which would need to be developed and approved in accordance with Requirement 13 of the draft DCO [REP4-008].
- 2.46 The Application contained a framework CEMP (ES Volume 2, Annex L [APP-081]). The framework CEMP has since been updated by the Applicant to address comments made by the EA and others. The latest iteration of the framework CEMP (version 3) [REP4- 006] was submitted by the Applicant at Deadline 4 of the Examination.
- 2.47 The EA has reviewed the latest version of the framework CEMP and it is agreed that the scope is sufficient, including the commitment therein to consult with the EA. It is also agreed that Requirement 13 of the draft DCO is fit for purpose, on the basis that the updated draft [REP4-008] submitted at Deadline 4 includes a commitment to consult both the EA and the relevant highway authority.

### **Draft DCO**

- 2.48 It is agreed that the following requirements contained at Schedule 1, Part 2 of the draft DCO [REP4-008] are adequate for their purpose:
- Requirement 20 ‘Combined heat and power’;
  - Requirement 21 ‘CCS site’; and
  - Requirement 22 ‘CCS monitoring report’.

### **3 MATTERS TO RESOLVE**

#### **Carbon Capture and Storage**

- 3.1 The EA does not yet agree that the CCR Statement [APP-039] demonstrates that there are no foreseeable barriers to carbon capture and storage ('CCS') in relation to space allocation and technology feasibility and would like to see more information on this issue
- 3.2 The EA does not yet agree that Requirement 22 'CCS Site' and Requirement 23 'CCS Monitoring Report' of the Draft DCO secures the recommendations of the CCR Statement and the recommendations contained within the Department for Energy and Climate Change ('DECC') Guidance Note (November 2009). The latter details the requirements for a CCR Statement that accompanies consenting applications for power stations of greater than 300 MWe output.
- 3.3 The EA is currently waiting to receive additional CCS information from the Applicant and will provide further comment when this is made available.

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Signed:

Print name and position:

**On behalf of the Environment Agency**

Date:

Signed:

Print name and position:

**On behalf of Sembcorp Utilities (UK) Limited**

Date: