

The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: NA/2022/115883/04-L01
Your ref: Net Zero Teesside
Date: 23 August 2022

Dear Sir/Madam

**EN010103: THE NET ZERO TEESSIDE NATIONALLY SIGNIFICANT
INFRASTRUCTURE PROJECT. EXAMINING AUTHORITY'S SECOND
WRITTEN QUESTIONS AND REQUEST FOR INFORMATION (EXQ2) LAND IN
THE VICINITY OF THE SSI STEEL WORKS SITE, REDCAR, TEESSIDE, TS10
5QW**

Please find enclosed our representations to the Examining Authority's second written questions and requests for information (ExQ2) for this Development Consent Order (DCO) on behalf of the Environment Agency (EA).

Please do not hesitate to contact me if you have any questions regarding this letter.

Yours faithfully

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Planning Technical Specialist - Sustainable Places

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ExQ2	Question to	Question
GEN.2.7	Applicants Environment Agency (EA)	<p>The EA stated within its RR [RR-024] that the Applicants had not demonstrated that ‘there are no foreseeable barriers’ to the technical feasibility of installing their chosen carbon plan. Consequently, the EA requested further information from the Applicants regarding the Carbon Capture Readiness process. Responding, the Applicants [REP1-045] indicated that further information on Carbon Capture Readiness (CCR) would be provided to respond to the points raised by the EA and such information would be submitted to the EA for review. The Applicants and the EA are asked to confirm whether this additional information has been provided to the satisfaction of the EA.</p> <p>EA response: The EA are satisfied with the information provided.</p>
GEN.2.14	Applicants Environment Agency (EA)	<p>At paragraph 5.1.2 of the Combined Heat and Power (CHP) Assessment [AS-016] it is stated that at that stage no detailed consultation with the EA had taken place about the heat loads used in the CHP Readiness Assessment. Can the Applicants and the EA confirm whether there was any subsequent discussion and agreement?</p> <p>EA response: We are unable to comment on the outcome of our assessment until we have completed our determination of the permit.</p>
AQ.2.2	Applicants Natural England (NE) EA [REDACTED]	<p>At ISH4 the ExA requested an explanation of how the stated level of effects on air quality can be safeguarded without specifying a minimum height (Action 15 [EV8-006]). It is appreciated that conservative assumptions have been incorporated into the air quality monitoring. However, in the absence of an agreed minimum height the stack could be reduced to an unknown and uncontrolled extent following Front End Engineering Design (FEED) [REP5-027]. The emissions are highly sensitive to this parameter and modelling results suggest that NO2 concentrations at ground level increase rapidly once the stack is less than 90 m in height</p>



		<p>(Diagram 8B- 2 of [APP-248]).</p> <p>The ExA has noted that dispersion modelling will be carried out on the post-FEED design to ensure that it does not lead to an increase in the level of effect that was presented in the ES and that this will be required by the EA to assist in determination of the permit [REP5-027]. However, an increase in emissions or change in distribution of these has the potential to have an effect on the European Sites that will need to be considered as part of the Habitat Regulations Assessment (HRA). The ExA will need sufficient information by the end of the examination period to make a recommendation to the Secretary of State (SoS) on this matter. There are also potential implications for the WFD assessment and potential effects on the Coatham Sands Site of Special Scientific Interest (SSSI). Please provide by D6:</p> <ul style="list-style-type: none"> i) an update to the HRA Report in respect of this matter taking into account all of the issues raised above; ii) an assessment of the potential effects on the Coatham Sands SSSI if the stack heights were at their lowest possible level; and iii) an assessment of the implications for the WFD assessment if the stack heights were at their lowest possible level The ExA would welcome comments from NE and the EA on these matters. <p>EA response: The EA will be assessing the impact on habitat sites as part of the determination of the Environmental Permit. We cannot comment on the outcome of our assessment until we have completed our determination of the permit.</p>
<p>AQ.2.3</p>	<p>E</p>	<p>The EA asked for clarification on application of its M1 monitoring guidance in REP3-027 with particular reference to stack diameters of 6.5 or 6.6 m diameter. In REP5-027, the Applicants stated that the proposed diameters are in the normal range for a Large Combustion Plant and</p>



		<p>that the M1 guidance will be taken into account. Is the EA content with this response?</p> <p>EA response: The Applicant’s commitment to take the requirements of M1 Monitoring guidance into account is welcomed. Any resultant changes to the plant design must be reflected within the DCO Application and permit application.</p>
BIO.2.10	<p>Applicants NE EA</p>	<p>Process water discharges (particularly nitrogen) have the potential to have adverse effects on the site integrity of the Teesmouth and Cleveland Coast Ramsar, SPA and SSSI. NE has raised its concerns regarding the issue of nutrient neutrality in its Written Representation [REP2-065], SoCG [REP1-010] and in its D4 response [REP4-040]. The EA has raised the potential issue of cumulative impacts of dissolved inorganic nitrogen on WFD and the site integrity of nearby designated sites in its SoCG [REP1-009]. The ExA notes the response to this matter in the Applicants’ response to ISH4 [REP5-027]. The Applicants, NE and EA are directed to a specific question on this issue below at WE.2.1.</p> <p>EA response: The EA has reviewed the draft Net Zero Water Quality Assessment. The approach outlined and the impacts are acceptable. However, we are currently unable to sign off this assessment until we get clarity on the matters raised in our written comments provided to the Applicant, and until we’ve had sight of the updated effluent dispersion modelling report which is due to be submitted at Deadline 7.</p>
CC.2.7	<p>EA</p> <p>██████████ ██████████</p>	<p>Paragraph 21.3.70 of ES Chapter 21 Climate Change [APP-103] refers to a request made by the EA to use renewable energy sources to offset parasitic loads. As grid electricity is only planned to be used during maintenance periods (approximately 14 days every year) and the national electricity grid is rapidly decarbonising, the Applicants considered that the benefits of this offsetting measure would not outweigh the costs. Is the EA content with this response?</p>



		<p>EA response: We are content with this response, but we request that the Applicant considers and reviews its use of alternative energy sources throughout the lifetime of the plant.</p>
DCO.2.9	Applicants EA	<p>The EA notes [REP5-032] that R31 provides no requirement to construct Work No. 6, the CO2 Gathering Network such that the construction of the new power station could occur without the benefit of the CO2 Gathering Network. i) The EA and the Applicants are asked to comment on whether R31(3) [REP5-002] would address this concern. ii) Should R31(3) be extended to include reference to Work No 6?</p> <p>EA response: The amendments to R31 does not address our previous comments (REP5-032). We require a tie-in between the construction of the power station and the area-wide CO2 gathering network or Work No. 6 within the DCO.</p>
DCO.2.10	Applicants EA	<p>Responding to the EA's RR [RR-024], the Applicants indicated [REP1-045] that the EA will be consulted on the Decommissioning Environment Management Plan when appropriate. Should this provision be incorporated into R32 of the dDCO?</p> <p>EA response: We wish to be consulted on R32.</p>
GH.2.1	RCBC EA [REDACTED] [REDACTED]	<p>RCBC's Local Impact Report (LIR) [REP1-046] stated that to ensure full characterisation of the site the standard Contaminated Land Condition should be applied to any planning permission to the wording of R31[REP-032]. The Applicants have since amended R13 in relation to Contaminated land and groundwater [REP-002].</p> <p>i) RCBC are asked to comment on R13 and to indicate whether or not this meets its original request to apply their standard condition.</p> <p>ii) The EA is asked to confirm that R13 now</p>



		<p>meets its requirements.</p> <p>iii) If it does not meet your concerns, proposed amendments to R13 should be provided by D6 and the Applicants response provided at D7.</p> <p>EA response: We request that further amendments are undertaken to R13. Further details of the proposed amendments are outlined in our written representations to Deadline 5</p>
<p>GH.2.2</p>	<p>Applicants RCBC STBC EA</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Details of additional site investigation, conceptualisation and risk assessment has been provided [APP-092, APP-293, APP-294, REP4-027]. It is the ExA's understanding that STDC has applied for permission to undertake additional works in 2022. It is also our understanding from SoCGs that discussions are being held between the parties in respect of all of the above. Please provide comment on whether or not after remediation and in the context of R13, as a minimum land is unlikely of being capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.</p> <p>EA response: It is our understanding that the landowner (Teesworks) will be responsible for creating a development platform through significant earthworks and carrying out remediation at the site, and that prior to commencement of these works the Applicant is to carry out further ground investigation in areas previously inaccessible to identify baseline conditions. Following the completion of the remedial works by Teesworks, we understand that the Applicant will implement as yet unknown remediation actions specific to the proposed development covered by Requirement 13.</p> <p>On the basis of the above, at this stage it is therefore not appropriate to provide comment on whether or not after remediation, as a minimum land is unlikely of being capable of being determined as "Contaminated Land" under Part 2A of the Environmental Protection Act 1990.</p>



		<p>We wish to highlight that the identification and determination of land as “Contaminated Land” is solely the responsibility of the Local Authority as enforcing authority. The Local Authority should also take into consideration our advice with regards to pollution to controlled waters.</p>
MA.2.1	EA	<p>In Table 22-1 of Chapter 22 of the ES [APP-104] the EA is quoted as requesting that the EIA contains a worst-case estimation of firewater runoff production, including for remediation following a fire, and demonstrate that a solution to containment, treatment and/ or removal can be met on the site. Details have not been provided regarding provision of a detailed firewater containment system. The Applicants have stated that it will be required as part of a permit and details will therefore be agreed at that stage. Is the EA content with this approach?</p> <p>EA response: The EA will review the Accident prevention and management as part of the determination of the Environmental Permit.</p>
WE.2.1	Applicants EA NE [REDACTED] [REDACTED]	<p>Process water discharges (particularly nitrogen) have the potential to have adverse effects on the site integrity of the Teesmouth and Cleveland Coast Ramsar, SPA and SSSI. NE has raised its concerns regarding the issue of nutrient neutrality in its written representation [REP2-065], SoCG [REP1-010] and in its D4 response [REP4-040]. The EA has raised the potential issue of cumulative impacts of dissolved inorganic nitrogen on WFD and the site integrity of nearby designated sites in its SoCG [REP1-009]. The ExA notes the response to this matter in the Applicants’ response to ISH4 [REP5-027].</p> <p>i) Modelling of discharges to the Tees Estuary and Dabholm Gut, and the conclusions of discussions between the parties have not been provided to the ExA. As this has implications for both the HRA and WFD assessments, this is now</p>



		<p>considered a matter of some urgency.</p> <p>ii) All – provide an update on the outcome of the Applicants’ modelling of the effects on the estuary and subsequent discussions between the parties on this matter</p> <p>iii) EA – confirm whether or not you agree with the conclusion in REP5-027 that the foul effluent discharges to Marske-by-the-Sea will not affect nutrient neutrality.</p> <p>) All – update the position with respect to discharges to Dabholm Gut and discussions regarding <i>de minimis</i> levels.</p> <p>EA response: iii) Matters regarding nutrient neutrality fall under the remit of the Natural England. We are unable to comment on this matter.</p>
WE.2.2	EA [REDACTED]	<p>It is understood that the Applicants presented additional modelling to the EA in April 2022 regarding atmospheric deposition of nutrients to WFD water bodies.</p> <p>The EA is asked to confirm whether or not it is content that the effects on the WFD water bodies from atmospheric deposition of nutrients would be negligible and that no deterioration would be caused. Does the EA also agree with the Applicants’ conclusion that this deposition does not need to be considered in combination with direct discharges to water bodies? Please bear AQ.2.2 in mind when answering this question.</p> <p>EA response: The EA has reviewed the draft Net Zero Water Quality Assessment. The approach outlined and the impacts are acceptable. However, we are currently unable to sign off this assessment until we get clarity on the matters raised in our written comments provided to the Applicant, and until we’ve had sight of the updated effluent dispersion modelling report which is due to be submitted at Deadline 7.</p>
WE.2.4	EA	<p>The CEMP outlines monitoring requirements in respect of the temporary impact from increased</p>



		<p>turbidity during construction to Redcar Coatham Bathing Water [paragraph 9.6.13 of ES Chapter 9, APP-091].</p> <p>Is the EA content that the provisions in the CEMP are sufficient to undertake its duties in respect to protection of water quality?</p> <p>EA response: We are satisfied that the proposed actions outlined in the CEMP will reduce the risk to water quality.</p>
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[REDACTED]

