

THE YORK POTASH HARBOUR FACILITIES ORDER 201X

Applicant's Responses to Questions in the Rule 17 Letter and Comments on the RIES



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York Potash Limited

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YORKPOTASH
A Sirius Minerals Project



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APPLICANT'S RESPONSES TO QUESTIONS IN THE RULE 17 LETTER DATED 25 NOVEMBER 2015

Question	Applicant's Comment
<p>Paragraph 2.1 of the RIES</p> <p>Please can the applicant confirm, in accordance with the requirements of Regulation 61(1)(b) of the Habitats Regulations, that the proposed Harbour Facility development is not connected with or necessary to the management for nature conservation of any of the European sites considered in the applicant's Habitats Regulation Assessment Report [APP-127 and APP-128]?</p>	<p>The Applicant confirms that the proposed Harbour facility is not connected with or necessary to (or for) the management for nature conservation of any European site.</p>
<p>Paragraph 3.12 of the RIES (and Integrity Matrices 1 and 2 (footnote b) of Annex 2 of the RIES)</p> <p>Please can the applicant clarify what is meant by "<i>those parts of the authorised development to be decommissioned</i>" in the revised wording in Requirement 11 of the draft DCO provided at Deadline 4 [REP4-053 and REP4-054] in response to the ExA's Second Written Question 2.10 [REP4-014]?</p> <p>Please can the applicant clarify how this wording reflects the statement in the applicant's HRA that only the overland conveyor would be removed during decommissioning of the proposed Harbour Facility?</p> <p>The applicant's screening matrices provided at Deadline 4 [Appendix 4, REP4-014] have screened out potential effects on European sites from the decommissioning of the Harbour Facility, on the basis that only the overland conveyor would be decommissioned, so there would be no effect on coastal processes, habitats or water and sediment quality.</p> <p>Requirement 11 of the draft DCO provided at Deadline 4 [REP4-053 and REP4-054] requires the undertaker (defined in Article 2(1) of the draft DCO) to submit a decommissioning plan to the local authority for approval prior</p>	<p>This was discussed at the DCO Hearing on 24 November and the Applicant notes that the ExA has suggested some wording to Requirement 11 to clarify that the only element of decommissioning relates to the overhead conveyor.</p> <p>The extent of decommissioning works that have been assessed is based on the scheme description which is included in the Environmental Statement (paragraphs 3.2.12 to 3.2.14) (i.e. the overland conveyor only). This has been assessed throughout the ES where relevant and the HRA.</p>

<p>to the decommissioning phase of the authorised development. Requirement 11 limits the scope of the decommissioning plan to only include <i>"those parts of the authorised development to be decommissioned"</i>. As the draft DCO provided at Deadline 4 does not specify what parts of the authorised development would be decommissioned, it is unclear on what basis the applicant has stated that only the overland conveyor would be removed during decommissioning of the proposed Harbour Facility, which the applicant has relied upon to screen out potential decommissioning effects on the European sites.</p>	
<p>Paragraphs 4.14 and 4.17 of the RIES</p> <p>Please can the applicant update the draft DCO at Requirement 6 in Schedule 2 to refer to the Governance Tracker "as certified in Article 38 of the DCO"? At present, Requirement 6 in Schedule 2 in the draft DCO provided at Deadline 4 [REP4-053 and REP4-054], in particular Requirement 6(1) and 6(1)(g) refers to a previous version of the Governance Tracker (Document 6.8A), which has been superseded. If the DCO is made by the Secretary of State, the version of the Governance Tracker that is certified will need to include the latest version of the mitigation measures required for the Harbour Facility development, which have been relied upon by the applicant to conclude no adverse effect on site integrity for the European sites.</p>	<p>This was discussed at the DCO Hearing on 24 November and the Applicant notes that the ExA's draft DCO amended the references to the Governance Tracker. It is not necessary to add the words "as certified in article 38 of the DCO" because the governance tracker is already defined as being certified by the Secretary of State and to do so would be inconsistent with the drafting of the remainder of the DCO. The correct Document reference has been amended in the revised draft DCO submitted for Deadline 6 (Document 4.1D).</p>
<p>Paragraphs 4.14 and 4.17 of the RIES</p> <p>Please can the applicant update the draft DCO at Requirement 6 in Schedule 2 to refer to the Outline Construction Ecological Management Plan (CEMP) "as certified in Article 38 of the DCO"? At present, Table 6-1 in the current version of the Outline CEMP [REP1-041] has not been updated to reflect the amendments made to the Updated Governance Tracker. If the DCO is granted by the Secretary of State, the version of the Outline CEMP that is certified will need to include the latest version of the mitigation measures required for the Harbour Facility development, which have been relied upon by the applicant to conclude no adverse effect on site integrity for the European sites.</p>	<p>This has been amended in the revised draft DCO submitted for Deadline 6 (Document 4.1D). Please also see response above.</p> <p>An updated Outline CEMP accompanies this submission (Document 6.10A). This contains revisions to Table 6-1, being amendments to item 13 and new items 14, 15, 38, 39, 40 and 41 to be consistent with the Governance Tracker (Document 6.8B).</p>

<p>Paragraph 4.31 of the RIES</p> <p>Please can the applicant update the draft DCO at Requirement 9 in Schedule 2 to refer to the Outline Environmental Management Plan (EMP) "as certified in Article 38 of the DCO"? At present, the current version of the Outline EMP refers to the previous version of the Updated Governance Tracker [REP1-043]. If the DCO is granted by the Secretary of State, the version of the Outline EMP that is certified will need to include the latest version of the mitigation measures required for the Harbour Facility development, which have been relied upon by the applicant to conclude no adverse effect on site integrity for the European sites.</p>	<p>This has been amended in the revised draft DCO submitted for Deadline 6 (Document 4.1D). Please also see response above.</p> <p>The Outline EMP has been updated to refer to the updated version of the Governance Tracker and accompanies the Applicant's submission for Deadline 6 (Document 6.11B).</p>
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APPLICANT'S COMMENTS ON THE REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES

Paragraph of the RIES	Applicant's Comment
<p>Paragraph 1.6</p> <p>"The applicant's DCO application concluded that there is the potential for likely significant effects on two European sites and therefore provided a HRA Report entitled 'York Potash Project Harbour Facilities Habitats Regulations Assessment' together with screening and integrity matrices [APP-127 and APP-128] with the DCO application."</p>	<p>The Applicant notes the reference to two European sites and assumes that this refers to the Teesmouth and Cleveland Coast SPA and the Teesmouth and Cleveland Coast Ramsar site. Please note that the Ramsar site is not a European site.</p>
<p>Paragraph 1.8</p> <p>"Revised screening and integrity matrices were requested in Question HRA 1.20 of the ExA's First Written Questions to include missing site features and to provide further detail in the footnotes [PD-006]. The applicant provided revised screening and integrity matrices in their response to Deadline 1 [REP1-036]. The applicant subsequently provided revised screening and integrity matrices in response to the ExA's Second Written</p>	<p>The Applicant notes that this paragraph refers to updated screening and integrity matrices to include "missing site features" provided in response to Q1 HRA 1.20. This implies the HRA omitted certain features in error; however, the request was for the Applicant to include features being considered under the ongoing SPA review, not features that are currently designated (which the HRA did identify).</p>

<p>Questions at Deadline 4, following NE's confirmation that Sandwich tern is a qualifying interest for the Teesmouth and Cleveland Coast Ramsar site [Appendix 4, REP4-014]. The applicant's revised screening matrices are provided in Annex 1 of this report. The applicant's integrity matrices have been updated by the ExA, with the support of the Environmental Services Team of the Planning Inspectorate, to include reference to relevant submissions from interested parties. These matrices are provided in Annex 2 of this report."</p>	
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