

David Pedlow
Redcar & Cleveland Borough Council
Development Department
Belmont House Rectory Lane
Guisborough
Cleveland
TS14 7FD

Our ref: NA/2020/115106/02-L01
Your ref: R/2020/0411/FFM
Date: 10 November 2020

Dear David,

CONSTRUCTION OF THE REDCAR ENERGY CENTRE (REC) CONSISTING OF A MATERIAL RECOVERY FACILITY INCORPORATING A BULK STORAGE FACILITY; AN ENERGY RECOVERY FACILITY; AND AN INCINERATOR BOTTOM ASH RECYCLING FACILITY ALONG WITH ANCILLARY INFRASTRUCTURE AND LANDSCAPING (ADDITIONAL INFORMATION SUBMITTED 29/10). LAND AT REDCAR BULK TERMINAL REDCAR TS10 5QW

Thank you for reconsulting us on the above EIA proposal which we received 29 October 2020.

Environment Agency position

Having reviewed the additional assessments and information provided we are in a position to remove our objections, dated 24 September 2020, subject to **CONDITIONS**

Removal of objection 1:

In respect to the matter of atmospheric nitrogen deposition (objection 1 of our previous response the applicant clarified the following:

In the latest available WFD monitoring data (2019) the Tees Estuary fails on a number of different quality elements including Dissolved Inorganic Nitrogen (DIN). The reasons for not achieving DIN supporting conditions that are consistent with good ecological potential has been listed by the EA under three separate categories as follows:

1. *Agriculture and rural land management – poor nutrient management*
2. *Water Industry – Sewage discharge (continuous)*
3. *Industry – Trade Industry Discharge*

These significant water management issues (SWMI) are confirmed in the case of sewage and trade/industry discharges and probable in the case of the diffuse sources from agriculture. While deposition of nitrogen from the atmosphere could be an important source in some upland catchments where intensive agriculture activity is absent, atmospheric nitrogen deposition to the estuary is not noted by the EA as a SWMI in this heavily industrialised area nor is it considered as a significant contributor in these water bodies where nitrogen inputs from catchment land use not deposition from the atmosphere are much more significant. Under the WFD Assessment we did not consider



it to be a potential impact on the achievement of the WFD objectives for the Tees Estuary transitional water body and scoped it out on this basis.

We are satisfied with this response and wish to remove to objection.

Removal of objection 2:

In respect to inadequate assessments being provided for the proposed outfall into the River Tees, the application provided the EA with a Phase 1 Habitat Survey Briefing Note (Redcar EFW Facility: Outfall Pipe, SEC8563, 29 October 2020) to allow for an assessment of likely significant effects. As the drainage strategy is in outline, this survey does not include methodology or assessment of the impacts of an outfall on the foreshore or provide any associated scour protection. We would require an assessment of the risk of scour from the proposal and suggest, where necessary, mitigation. It should be noted that whilst the estuary has been modified any new engineering modifications will prevent the waterbody from reaching Good Ecological Potential and should be included in assessments. Therefore we would seek to place the following **CONDITION**.

Condition

Prior to the installation of the surface water outfall a scour impact assessment and mitigation scheme, including long-term design objectives of the proposed outfall, management responsibilities and maintenance schedules should be submitted to, and approved in writing by, the local planning authority. The outfall shall therefore be implemented in accordance with the approved scheme, unless otherwise agreed in writing.

Reason

Development that encroaches on the River Tees estuary should be adequately assessed. The Tees Lower and Estuary TraC (GB510302509900) has an overall water body status of 'moderate' with an ecological status of 'moderate' and a chemical status of 'fail'. The water body is heavily modified for flood protection and navigation, ports and harbours and therefore seeks to attain Good Ecological Potential (GEP).

Scouring could remobilise contaminated sediments and affected water quality. Ecological enhancement of the outfall and any associated scour protection should be considered in preparation of the detailed drainage strategy with Water Framework Directive (WFD) mitigation measures for heavily modified waterbodies.

In addition to this, we would seek the placement of the following condition as stated in our previous response.

Condition

To maintain fish passage during construction, the following is required in respect to piling:

- Between the 1 March and 30 November, in any given year, no percussive piling shall take place for 3 hours following low water to allow migration of adult salmon and sea trout on the flood tide.



- During the month of May, in any given year, no percussive piling shall take place. If this is impossible, then no piling of any type should take place for the first 5-hours of the ebbing tide to allow migration of juvenile salmon and seat trout.

Reason

The act of piling has the potential to affect runs of migratory fish. It has been established that fish are very sensitive to noise and vibration disturbance which can be transmitted through the water column. Piling work is likely to cause this type of noise disturbance that could affect fish migration through this section of the river.

Beyond this, I would like to offer the following advice:

Environmental Permit – Advice to LPA/Applicant

Both the IBA recycling plant and MRF would be permitted under the EPR, and depending who the operator(s) are, if they were to be different to the EfW operator, then those facilities may require separate permits as part of the same single installation. This may be covered by the initial application from the main applicant, but depending on Operator and level of control of the IBA recycling plant, it may equally require a separate permit under the Operator of the IBA recycling plant. It is noted from the application that SNCR for NOX abatement is proposed. It is not clear from the documentation whether or not standard or 'advanced' SNCR technology is proposed. In order to confidently comply with the lower NOX limits in the BATc's, EFW's should adopt advanced SNCR systems capable of injection reagents at various levels in the boiler depending on temperature profile.

Regardless of stack height submitted in the application, the Environment Agency will review the air modelling for an environmental impact and may require a higher stack depending on the outcome of the assessment. Should the modelling demonstrate an adverse impact on local air quality, then stack height may need to be increased. We are satisfied that this can be dealt with at a later stage through an application to vary the proposal.

Permit pre-application guidance – Advice to Applicant

The Environment Agency is temporarily reducing its pre-application advice services for customers applying for installations permits. This is due to high demand on our National Permitting Service and reduced capacity because of the coronavirus pandemic. This reduced service will run from 1 August 2020 until 1 February 2021. Our pre-application advice services for other types of permit applications will not change.

Further information can be found at the link below:

<https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

Biosecurity – Advice to LPA/Applicant

Strict biosecurity measures should be implemented to avoid the importing of non-native invasive species. Equipment, plant and PPE brought to site should be clean and free of material and vegetation. To ensure measures are implemented, it is recommended biosecurity toolbox talks are given to all site staff and rigorous inspections are undertaken of all equipment delivered to site, following the Check Clean and Dry campaign.

Tyneside House, Skinnerburn Road, Newcastle Business Park, Newcastle upon Tyne, NE4 7AR.

Customer services line: 03708 506 506

Email: enquiries@environment-agency.gov.uk

www.environment-agency.gov.uk



Further information on biosecurity can be found at the following link
<https://secure.fera.defra.gov.uk/nonnativespecies/checkcleandry/index.cfm>

Buffer Zones from Watercourses – Advice to LPA

Development that encroaches on watercourses can have a potentially severe impact on their ecological value. Encroachment from development activities has potential to cause habitat loss, disturbance and nutrient enrichment. The setback development area needs to maintain this corridor around any watercourses on site and should be maintained and enhanced as part of the development work.

Groundwater and Contaminated Land Remediation Advice – Advice to Applicant

This development site appears to have been the subject of past industrial activity which poses a medium risk of pollution to controlled waters.

However, we are unable to provide site-specific advice relating to land contamination as we have recently revised our priorities so that we can focus on:

- Protecting and improving the groundwater that supports existing drinking water supplies
- Groundwater within important aquifers for future supply of drinking water or other environmental use.

Please be aware that whilst we consider the site to be located within a lower environmental sensitive area, **we are not stating in any way that the pollution risk to controlled waters underlying the site is acceptable, should not be considered further by appropriate investigation and assessment.**

We would kindly remind the LPA that they are responsible for ensuring that the applicant appropriately investigate and address the risk to controlled waters, both surface waters and groundwaters. In doing so, this would promote remediation where required and an enhancement of the water environment through the planning regime. We would kindly ask the LPA to take into consideration our comments above with respect to controlled waters risk assessment.

We would highlight that the applicant be reminded of our current guidance which can be found on gov.uk and include Groundwater Protection, EA Approach to Groundwater Protection, Land Contamination Risk Management and the Guiding Principles of Land Contamination.

Should you have any queries in respect to this response, please don't hesitate to contact me.

Yours faithfully

Ms Caitlin Newby
Planning Adviser

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