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# Tees CCPP Project



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

## Statement of Common Ground with Natural England

The Planning Act 2008

**Applicant:** Sembcorp Utilities UK  
**Date:** April 2018

## DOCUMENT HISTORY

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## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
CCGT	Combined Cycle Gas Turbine
CCS	Carbon Capture and Storage
CEMP	Construction Environmental Management Plan
CHP	Combined Heat and Power
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
HOPI	Habitats of Principal Importance
HRA	Habitats Regulations Assessment
MW	Megawatts
NE	Natural England
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
RCBC	Redcar and Cleveland Borough Council
SAC	Special Area of Conservation
SCU	Sembcorp Utilities (UK) Limited
SoCG	Statement of Common Ground
SOPI	Species of Principal Importance
SoS	Secretary of State
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
the Order	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 Semcorp 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 Semcorp Industries, a Singapore-based group providing energy, water and marine services globally, Semcorp 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 ('CHP') and Carbon Capture and Storage ('CCS'); and
- existing services, including drainage.

1.10 A more detailed description of the Site is provided at Chapter 3 'Description of the Site' of the Environmental Statement ('ES') Volume I (Application Document Ref. 6.2.3).

## 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 (Application Document Ref. 2.1) 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 (Application Document Ref. 2.1) and Chapter 5 'Project Description' of the ES Volume I (Application Document Ref. 6.2.5).

## THE PURPOSE AND STRUCTURE OF THIS DOCUMENT

1.16 The purpose of this SoCG (see Section 2 of this report) is to set out the agreement that has been reached between SCU and Natural England ('NE') in respect of the following matters relating to the Proposed Development:

- consultation with NE;
- description of the Project Site;
- the Preliminary Environmental Information Report ('PEIR');

- the Environmental Statement ('ES'), including effects on habitats, species and nationally designated sites;
- the assessment methodology and conclusions of the Habitats Regulations Assessment ('HRA') that forms part of the Application, including effects on European sites and features; and
- the Development Consent Order.

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 NATURAL ENGLAND

- 2.1 NE is an executive non-departmental public body responsible for:
- promoting nature conservation and protecting biodiversity, conserving and enhancing the landscape;
  - for securing the provision and improvement of facilities for the study, understanding and enjoyment of the natural environment
  - promoting access to the countryside and open spaces; and
  - encouraging open-air recreation and contributing in other ways to social and economic well-being through management of the natural environment.
- 2.2 This SoCG has consequently been structured to reflect those responsibilities and other topics of interest to NE in relation to the Application.

### CONSULTATION WITH THE NATURAL ENGLAND

- 2.3 The Applicant engaged with NE on the Project during the pre-application stage, both by way of informal non-statutory consultation (Stage 1) and formal consultation (Stage 2) carried out pursuant to section 42 of the PA 2008.
- 2.4 NE was first 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 Opinion. NE responded to the consultation via letter dated 17 March 2017 (included as Appendix 1 to this report).
- 2.5 During formal consultation (Stage 2), NE provided comments on the PEIR produced by the Applicant by way of letter dated 7th July 2017 (included as Appendix 2 to this report).
- 2.6 The Applicant's formal response to consultation comments from NE are set out in the Consultation Report forming part of the Application (Application Document Ref: 2.1). The table (Table 2.1) below summarises NE's key comments relating to EIA Scoping and section 42 consultation, and the Applicant's subsequent response.
- 2.7 It is agreed that all comments made by NE in respect of EIA Scoping and the section 42 consultation have been addressed by the Applicant within the ES and that this has subsequently resulted in NE advising that it has no objection to the Project.

**Table 2.1 – Consultation summary**

Activity	Consultee Comment	Applicant Response
Scoping Response Date: 17 March 2017	The ES should thoroughly assess the potential for the proposal to affect designated sites. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas should be treated in the same way as classified sites.	Information to inform a draft Habitats Regulations Assessment is presented in Chapter 9 (Application Document Ref: 6.2.9) and in Annex G1 to the ES (Application Document Ref: 6.3.12). Any effects on the potential SPA are assessed in the same way as on classified European sites.
Scoping Response Date: 17 March 2017	The EIA will need to consider any impacts on local wildlife and geological sites.	The ES has considered these sites and no significant effects have been identified (see Chapter 9 of the ES – Application Document Ref: 6.2.9).
Scoping Response Date: 17 March 2017	The ES should assess the impact of all phases of the proposal on protected species	The ES does consider the impact of all phases of the Project on protected species. No significant effects have been identified (see Section 9.5 Chapter 9 of the ES (Application Document Ref: 6.2.9) and Annex G2 (Application Document Ref: 6.3.12)).
Scoping Response Date: 17 March 2017	The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as “Habitats and Species of Principal Importance” within the England Biodiversity List.	No Habitats of Principal Importance (‘HOPI’) have been identified, and Species of Principal Importance (‘SOPi’) are listed in Section 9.4.3 or 9.4.4 Chapter 9 of the ES (Application Document Ref: 6.2.9). No significant effects have been identified (see Section 9.5 Chapter 9 of the ES (Application Document Ref: 6.2.9))
Scoping Response Date: 17 March 2017	Records of protected species should be sought from appropriate biological record centre, nature conservation organisations, group and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.	Records have been obtained from the Environmental Records Information Centre, North East and information on protected species populations in the wider area are based on INCA’s own data. A summary of the information provided is in Section 9.4.3, Chapter 9 of the ES (Application Document Ref: 6.2.9).
PEIR Response Date: 07 July 2017	In Annex H, table 3 (p 815), predicted NO <sub>x</sub> (Annual mean) for the Teesmouth and Cleveland Coast Special Protection Area (SPA), the PC is 0.301 ug/m <sup>3</sup> , which is 1.003% PC/CL. This is incorrectly classed as <1% in the table. Instead, it should be 1%; however, this is still considered not to be above the 1% threshold of significance.	Discrepancy investigated and corrected in final ES Annex G1 (Application Document Ref: 6.3.12).
PEIR Response Date: 07 July 2017	In Annex L, table A7.1, the NO <sub>x</sub> (annual mean) for the Teesmouth and Cleveland Coast SPA, the PC is 0.272 ug/m <sup>3</sup> . As the PC for the SPA differs between annexes, there needs to be clarification which number is accurate.	Discrepancy investigated and corrected in final ES Annex G1 (Application Document Ref: 6.3.12).



PEIR Response Date: 07 July 2017	In addition, we advise to add a map of emissions, which shows where the NOx emissions are predicted (and that also shows the designated sites). The reason for this is that in Annex H NOx emissions are lower for the Teesmouth and Cleveland Coast potential SPA (pSPA) than the SPA (0.283 ug/m3), yet the pSPA is closer to the application site. In Annex L the emissions for the pSPA are higher than the SPA, but again, clarification is needed about the discrepancies in data.	Discrepancy investigated and corrected in final ES Chapter.  Figure for NOx emissions included within Chapter 7 of the ES (Application Document Ref: 6.2.7).
PEIR Response Date: 07 July 2017	Furthermore, the Habitats Regulations specify that the impacts of projects either alone or in combination need to be considered at the likely significant effect screening stage. In Annex H, it is stated that as the contributions from the project are insignificant, the effect will be insignificant alone and in combination (p.804). This is incorrect. As the contributions are insignificant alone, contributions from other relevant plans and projects need to be considered in combination.	Discrepancy investigated and addressed in final ES Annex G1 (Application Document Ref: 6.3.12).
PEIR Response Date: 07 July 2017	Table A1.3 (p 142) considers planning applications within a 15 km radius, which could form a basis for an in-combination assessment. Planning applications to include are those that have no likely significant effects alone, or have residual effects, and are pending or have been approved but are not (fully) in operation yet. In addition, the environmental permits application register could provide more information on projects in the area:  Environmental Permitting register search <a href="http://epr.environmentagency.gov.uk/ePRIInternet/SearchRegisters.aspx">http://epr.environmentagency.gov.uk/ePRIInternet/SearchRegisters.aspx</a>  Environmental Permit application register <a href="https://www.gov.uk/government/collections/industrial-emissions-directive-ied-environmentalpermits-issued">https://www.gov.uk/government/collections/industrial-emissions-directive-ied-environmentalpermits-issued</a>	The cumulative assessment for ecology takes account of the identified planning applications within a 15km radius – see Section 9.5 within Chapter 9 of the ES (Application Document Ref: 6.2.9).

2.8 In addition to the more general consultation set out above, the Applicant addressed comments made by NE in respect of the HRA. This was done through submission of a revised HRA 'No Significant Effects Report' on 27th September 2017. NE subsequently commented on the revised HRA by way of a letter dated 6th October 2017. NE accepted the conclusions of the assessment; that it is unlikely the Project will have significant effects upon European Designated Sites alone or in combination with other projects and plans. The NE letter is attached in Appendix 3 to this letter.

2.9 It is agreed that the information on the previous pages is an accurate record of key consultation with NE.

## ENVIRONMENTAL STATEMENT

- 2.10 ES Volume 1, Chapter 9 'Ecology and Nature Conservation' (Application Document Ref: 6.2.9) provides an assessment of the potential effects of the Proposed Development upon ecology. The assessment has been informed by a desk-based summary to identify nature conservation designations, protected and notable habitats and species.
- 2.11 The assessment confirms that the Project Site has negligible ecological value for habitats and species of flora and fauna, and taking account of the development design and impact avoidance measures that will be employed, no significant adverse effects are predicted in relation to ecology. No specific mitigation is therefore required, as all of the effects of the Proposed Development are not significant.
- 2.12 A draft Construction Environmental Management Plan ('CEMP') (Application Document Ref: 6.3 – Annex L) has been prepared and would be further developed to include standard mitigation and good practice in relation to advice on construction with regards to nesting birds and mammals. The production of a detailed CEMP is secured by Requirement 13 of the draft DCO (Application Document Ref: 2.1).
- 2.13 It is therefore agreed that the impacts on ecology on the Project Site are insignificant and that all protected species issues (including any licensing requirements under the Habitats Regulations or the Wildlife and Countryside 1981 Act) have already been addressed.
- 2.14 It is also agreed that the Project is unlikely to have a significant impact on the nearby Sites of Special Scientific Interest ('SSSI'). The following sites are relevant to the Project:
- Seaton Dunes and Common SSSI 6.6 km N from the Project;
  - Lovell Hill Pools SSSI 3.0 km SE from the Project;
  - Cowpen Marsh SSSI 7.1 km NW from the Project;
  - Seal Sands SSSI 5.7 km N from the Project;
  - North York Moors SSSI 7.6 km S from the Project;
  - Redcar Rocks SSSI 6.0 km NE from the Project;
  - Saltburn Gill SSSI 10.2 km E from the Project; and
  - South Gare & Coatham Sands SSSI 4.7 km N from the Project.
  - Tees and Hartlepool Foreshore and Wetlands SSSI 3.9 km W from the Project
  - Pinkney and Gerrick Woods SSSI 14.7 km SE of the Project.
- 2.15 ES Volume 1, Chapter 7 'Air Quality' (Application Document Ref: 6.2.7) and Annexes (Application Document Refs: 6.3.12 and 6.3.15) demonstrate that the Proposed Development will also have no significant effects upon nationally and internationally designated sites due to changes in air quality, nitrogen deposition and acid deposition. ES Volume 2, Annex G1 (Application Document Ref: 6.3.12), a technical annex to Chapter 7, demonstrates that the process contributions with regards to oxides of nitrogen, acid deposition and nutrient nitrogen deposition are below the level considered to be significant for all designated sites.
- 2.16 It is therefore agreed that no specific mitigation is required and the impacts of the Project on ecology as a result of air quality are not significant.

## HABITAT REGULATIONS ASSESSMENT

- 2.17 Section 37(3) (b) and (d) of the PA 2008 states that an application for a DCO must be made in the prescribed form and be accompanied by documents and information of a prescribed description.
- 2.18 Regulation 5 of The Infrastructure Planning (Applications: Prescribed Form and Procedure) Regulations 2009 (as amended) specifies the information that must accompany applications. Regulation 5(2)(g) states that an application must be accompanied by:
- “...any report identifying any European site to which regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994...applies, or any Ramsar site...which may be affected by the proposed development, together with sufficient information that will enable the Commission [the examining authority] to make an appropriate assessment of the implications for the site if required by regulation 48 ;”*
- 2.19 In accordance with Regulation 5(2)(g), the Application includes a HRA Report IN Volume 3, Section L of the ES (Application Document Ref: 6.4.5).
- 2.20 For the purposes of the HRA, the relevant European designated sites which could be affected by the Project have been identified as those falling within the maximum area of influence adopted for the air quality modelling. It is agreed that this area of influence extends to 15 km from the Project Site in all directions (a 15 km radius) based on the ‘worst case’ scenario for air quality effects (i.e. the Project being for a large coal fired power plant, as defined by Environment Agency Guidance Note H11 ).
- 2.21 It was agreed with NE that consideration of the following European designated sites at Stage 1 (screening) is relevant to the Project:
- Teesmouth and Cleveland Coast Special Protection Area (‘SPA’) and Ramsar Site, 3.9 km NW from the Project;
  - Teesmouth and Cleveland Coast proposed extension to the SPA 2.8 km NW from the Project;
  - North York Moors SPA and Special Area of Conservation (‘SAC’) 7.6 km S from the Project.
- 2.22 It is agreed that the HRA has been satisfactorily revised following comments made by NE, as referred to earlier in this report, and that the in-combination assessment of other relevant projects and plans within 15km of the Project Site is adequate.
- 2.23 It is agreed the HRA screening assessment found no significant effects on European designated sites as a result of pollutant emissions from the Project alone and in combination with other plans and projects. This also includes the planned extension to Teesmouth and Cleveland Coast SPA, which has not been formally consulted on and therefore has no official status yet as a potential SPA. Irrespective of this, it is agreed that the air quality assessments has sufficiently taken the proposed extension into account.
- 2.24 It is agreed that the methodology used for the HRA is acceptable, together with the conclusions of no likely significant effects on European designated sites.

## **DEVELOPMENT CONSENT ORDER**

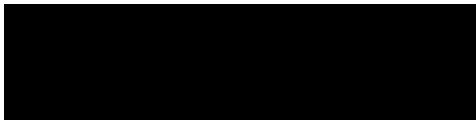
2.25 It is agreed between the parties that the following requirements contained at Schedule 1 of the draft DCO (Application Document Ref: 2.1) provide an appropriate means by which to secure the biodiversity mitigation set out in the ES, in terms of controlling the effects of the Project that are of relevance to NE:

- 10. Contaminated land and groundwater;
- 11. Ground nesting birds statement;
- 12. Landscaping;
- 13. Construction environment management plan ('CEMP'); and
- 16. Surface water drainage – operational.

### 3 MATTERS TO RESOLVE

3.1 There are no outstanding matters to be agreed between the two parties.

Signed:



Print name and position: Andrew Whitehead; Team Leader – Sustainable Development, Marine and Wildlife Licensing; Northumbria Area Team

**On behalf of Natural England**

Date: 19 April 2018

Signed:



Print name and position: Scott Taylor, Business Development Manager

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

Date: 23 April 2018

## APPENDIX 1 – NATURAL ENGLAND LETTER DATED 17 MARCH 2017

Date: 17 March 2017  
Our ref: 209151  
Your ref: EN010082



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

██████████  
Environmental Services Team  
Major Applications and Plans  
The Planning Inspectorate  
3D Eagle, Temple Quay House, Temple Quay  
Bristol BS1 6PN  
██████████

BY EMAIL ONLY

Dear ██████████

**Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): EN010082 - Proposed Teesside Combined Cycle Power Plant - Scoping Consultation - EIA Scoping Notification and Consultation**  
Location: Wilton International, Redcar and Cleveland

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 21 February 2017 which we received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law<sup>1</sup> and guidance<sup>2</sup> has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Ellen Bekker on 0208 225 7091 or ██████████. For any new consultations, or to provide further information on this consultation please send your correspondences to ██████████.

Yours sincerely

██████████  
Northumbria Area Team

<sup>1</sup> Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

<sup>2</sup> *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://web.archive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainable/environmental/environmentalimpactassessment/noteenvironmental/>



## Annex A – Advice related to EIA Scoping Requirements

### 1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

### 2. Biodiversity and Geology

#### 2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

#### 2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being

necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

**Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)**

The development site is in proximity to the following designated nature conservation sites:

- Hartlepool Submerged Forest SSSI
  - Seaton Dunes and Common SSSI
  - Lovell Hill Pools SSSI
  - Cowpen Marsh SSSI
  - Kildale Hall SSSI
  - Seal Sands SSSI
  - Cliff Ridge SSSI
  - North York Moors SSSI
  - Redcar Rocks SSSI
  - Saltburn Gill SSSI
  - Langbaugh Ridge SSSI
  - South Gare & Coatham Sands SSSI
  - Tees and Hartlepool Foreshore and Wetlands SSSI
  - Roseberry Topping SSSI
  - Teesmouth National Nature Reserve (NNR)
  - Teesmouth and Cleveland Coast SPA and Ramsar site
  - North York Moors SPA and SAC
- 
- Further information on the SSSI and its special interest features can be found at [www.magic.gov](http://www.magic.gov). The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.
- 
- Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

**2.3 Regionally and Locally Important Sites**

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

**2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2010**

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be



sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

#### **2.5 Habitats and Species of Principal Importance**

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

#### **2.6 Ancient Woodland – addition to the S41 NERC Act paragraph**

The S41 list includes six priority woodland habitats, which will often be ancient woodland, with all ancient semi-natural woodland in the South East falling into one or more of the six types.

Information about ancient woodland can be found in Natural England's standing advice [http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland\\_tcm6-32633.pdf](http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf).

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 118) which states:

'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'

### 2.7 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

## 3. Landscape Character

### Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

#### 4. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced.

Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

#### 5. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

#### 6. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, ie projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

## APPENDIX 2 – NATURAL ENGLAND LETTER DATED 07 JULY 2017

Date: 07 July 2017  
Our ref: 218490; case 11945  
Your ref: EN010082



[REDACTED]  
Tees Combined Cycle Power Plant Project  
c/o Semcorp utilities UK Limited  
PO Box 1985  
Wilton International  
Middlesbrough  
Teesside TS90 8WS  
[REDACTED]

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ  
[REDACTED]

### BY EMAIL ONLY

Dear [REDACTED]

**Planning consultation:** Semcorp Utilities UK Limited – The Tees Combined Cycle Power Plant (TEES CCPP) Project – Consultation in accordance with Section 42 of the Planning Act 2008 Duty to Consult

**Location:** Land at the Wilton International Site, Teesside

Thank you for your consultation on the above dated 14 June 2017 which was received by Natural England on 16 June 2017.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **Preliminary Environmental Information Report (PEIR)**

Natural England welcomes the submission of the PEIR and has the following advice:

Data on air quality emissions within internationally and nationally designated sites can be found in both Annex H (Habitats Regulations Assessment) and Annex L (Air Quality) of the PEIR.

In Annex H, table 3 (p 815), predicted NO<sub>x</sub> (Annual mean) for the Teesmouth and Cleveland Coast Special Protection Area (SPA), the PC is 0.301 ug/m<sup>3</sup>, which is 1.003% PC/CL. This is incorrectly classed as <1% in the table. Instead, it should be 1%; however, this is still considered not to be above the 1% threshold of significance.

In Annex L, table A7.1, the NO<sub>x</sub> (annual mean) for the Teesmouth and Cleveland Coast SPA, the PC is 0.272 ug/m<sup>3</sup>. As the PC for the SPA differs between annexes, there needs to be clarification which number is accurate.

In addition, we advise to add a map of emissions, which shows where the NO<sub>x</sub> emissions are predicted (and that also shows the designated sites). The reason for this is that in Annex H NO<sub>x</sub> emissions are lower for the Teesmouth and Cleveland Coast potential SPA (pSPA) than the SPA (0.283 ug/m<sup>3</sup>), yet the pSPA is closer to the application site. In Annex L the emissions for the pSPA are higher than the SPA, but again, clarification is needed about the discrepancies in data.

Furthermore, the Habitats Regulations specify that the impacts of projects either alone or in combination need to be considered at the likely significant effect screening stage. In Annex H, it is stated that as the contributions from the project are insignificant, the effect will be insignificant alone and in combination (p.804). This is incorrect. As the contributions are insignificant alone, contributions from other relevant plans and projects need to be considered in combination.



Table A1.3 (p 142) considers planning applications within a 15 km radius, which could form a basis for an in-combination assessment. Planning applications to include are those that have no likely significant effects alone, or have residual effects, and are pending or have been approved but are not (fully) in operation yet. In addition, the environmental permits application register could provide more information on projects in the area:

- Environmental Permitting register search <http://epr.environment-agency.gov.uk/ePRInternet/SearchRegisters.aspx>
- Environmental Permit application register <https://www.gov.uk/government/collections/industrial-emissions-directive-ied-environmental-permits-issued>

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact [REDACTED] on [REDACTED] or [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED]

Yours sincerely

[REDACTED]  
Northumbria Area Team

## APPENDIX 3 – NATURAL ENGLAND LETTER DATED 06 OCTOBER 2017

Date: 06 October 2017  
Our ref: 226716  
Your ref: Tees CCPP Updated HRA



Semcorp Utilities (UK) Limited  
Semcorp UK Headquarters  
Wilton International  
Middlesbrough TS90 8WS

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

Dear [REDACTED]

**Planning consultation:** Tees CCPP revised HRA  
**Location:** Middlesbrough

Thank you for your consultation on the above dated 27 September 2017 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

### **Habitats Regulations Assessment (HRA) – No Significant Effects Report**

Natural England welcomes the revisions to the HRA, including the clarification of discrepancies in data and the inclusion of an in-combination assessment of other relevant projects and plans.

We concur with the conclusion of the assessment, that it is unlikely the project will have significant effects upon European designated sites alone or in combination with other projects and plans.

As data in Table 3 has now been amended, footnote 1 should be changed or deleted, as the PC/CL for Teesmouth and Cleveland Coast SPA and Ramsar site is no longer 1.002%.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact [REDACTED] on [REDACTED] or [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to [REDACTED].

Yours sincerely

[REDACTED]  
Lead Adviser  
Sustainable Development  
Northumbria Area