

Date: 21 September 2018  
Our ref: 257600  
Your ref: EN010082



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**BY EMAIL ONLY**

Dear Sir/Madam

**NSIP Reference Name: EN010082 Application by Sembcorp Utilities (UK) Limited for an Order granting Development Consent for the proposed Tees Combined Cycle Power Plant: Deadline 7, Wednesday 26 September 2018**

Thank you for your consultation on the above dated 05 September 2018 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.

**The ExA's Report on the Implications for European Sites (RIES)**

Natural England notes that the Examining Authority (ExA) has produced Stage 2 integrity matrices. The ExA also raises a number of matters for clarification in section 5.0.2, including:

- The proposed extension to the Teesmouth and Cleveland Coast Ramsar site and the newly identified qualifying feature of the pSPA (ruff) have not been specifically addressed in the Applicant's HRA report and no conclusions as to LSE have been made by the Applicant; and
- The extent to which the stack design and BAT for NOx emissions can be relied upon in excluding LSE.

Even though ruff was not included in the Applicant's HRA, the ExA has assumed that the conclusions presented by the Applicant in respect to common tern and pied avocet would also apply to ruff. It is subsequently concluded that there are no adverse effects on site integrity. Natural England concurs with this conclusion.

The Stage 2 matrices conclude no adverse effects on the integrity of all included European sites and their qualifying features. The ExA notes that 'advice from NE has confirmed that LSE can be excluded on the basis of the measures described in the Applicant's HRA report; by extension it appears that the measures would also be adequate to exclude adverse effects on integrity'. Natural England supports this conclusion.

## **Request for Further Information**

### *1. Designation of Teesmouth and Cleveland Coast as a proposed Special Protection Area (pSPA), proposed Ramsar site and enlarged Site of Special Scientific Interest (SSSI)*

*The Applicant and Natural England are requested to:*

- *Comment on the implications for the Habitats Regulations Assessment (HRA) of the formal designation of the Teesmouth and Cleveland Coast as a pSPA and proposed Ramsar site (as well as notification of the enlarged Teesmouth and Cleveland Coast SSSI) during the Examination.*

Natural England has made the applicant aware of the proposed extension to the Teesmouth and Cleveland Coast SPA (potential SPA or pSPA) from the early stages of informal and formal consultation. The pSPA was taken into account in assessments, such as the Preliminary Environmental Information Report, the Environmental Statement (ES) and the HRA. Including the pSPA into the HRA is also part of the 'matters agreed' within the Statement of Common Ground (SoCG) between Natural England and the Applicant (April 2018).

It should also be noted that the proposed Ramsar boundary extension includes the additional terrestrial habitats proposed for the pSPA.

Even though the ES, HRA and the SoCG were completed before the formal consultation on the pSPA and proposed Ramsar site had commenced, the boundary of the extension has not changed significantly. With regards to the added interest feature that is ruff, according to APIS<sup>1</sup> species information, this species has no greater sensitivities to air quality impacts than the other species already considered in the assessment.

In addition, the Teesmouth and Cleveland Coast SSSI includes the majority of the area of previously notified SSSIs in that region, namely Seal Sands SSSI, Redcar Rocks SSSI, Seaton Dunes and Common SSSI, South Gare and Coatham Sands SSSI, Cowpen Marsh SSSI and Tees and Hartlepool Foreshore and Wetlands SSSI<sup>2</sup>. These previously notified SSSIs have been included into the ES provided by the Applicant. The sites' inclusion into the ES is also part of the 'matters agreed' within the SoCG. Moreover, the additional areas of the SSSI overlap the pSPA.

Therefore, the Teesmouth and Cleveland Coast pSPA, proposed Ramsar site and Teesmouth and Cleveland Coast SSSI have been taken into account sufficiently in the assessments of air quality impacts.

Yours faithfully,

Andrew Whitehead  
Northumbria Area Team

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<sup>1</sup> Air Pollution Information System (APIS), 'Habitat/species pollutant impacts database', available at: <http://www.apis.ac.uk/search-pollutant-impacts> (Accessed 21 August 2018).

<sup>2</sup> Hartlepool Submerged Forest SSSI is also a previously notified SSSI in that area, however, this site has no vulnerabilities with regards to air quality and could therefore be excluded from assessment, as agreed with the Applicant.