

[REDACTED]

From: [REDACTED] (NE) [REDACTED]@naturalengland.org.uk>
Sent: 07 October 2014 16:48
To: [REDACTED]
Cc: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED] (Energy Development)
Subject: RE: Gateway Energy Centre - Section 36 Consent Variation

Our ref:- 130529

Dear [REDACTED]

Thank you for your email following our conversation on Monday.

Natural England understands that, in response to our consultation response letter dated 2nd October 2014 (to amend the s106), GECL would like to retain the existing s106 agreement as currently set out. We have no objection to this suggestion. Whilst we agree that some flexibility is retained in the wording (to agree the "micro-scoping" of the projects), we note that this is set within the fixed parameters of the agreement (i.e. ecologist time, and costs). This preserves the full implementation of the s106 agreement ecology provisions, against possible future air quality deterioration, in response to ongoing monitoring by the Environment Agency and reporting via APIS.

In passing we also note that the updated ES reports that the background NOx concentration at the Vange and Fobbing Marshes SSSI is 20.35 ug/m3, which we omitted to reference in our consultation response. Therefore for the avoidance of doubt, this SSSI is also currently within the critical level of 30 ug/m3, using the figures supplied by APIS.

We note that the s106 requires that the Mitigation Works at the Thundersley Great Common SSSI are to commence within one year of the commencement of development, and the Ecology Project (least lettuce project) is to commence within one year of the commissioning of the development. We look forward to further discussions with you on each of these projects in due course

By copy, Natural England advises DECC. [REDACTED] that we are content with this arrangement. Should any further information or clarification be required, please contact us again.

Kind regards, [REDACTED]

[REDACTED]
Lead Adviser, Sustainable Land Use & Regulation
Essex, Herts, Beds, Cambs, Northants
Natural England

01206 382 [REDACTED] / 07721 [REDACTED]

E-mail is our preferred method of communication. If absolutely necessary, any postal correspondence should be addressed for my attention to Natural England, Mail Hub Block B, Whittington Road, Worcester WR5 2LQ

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

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From: [redacted] [mailto:[redacted]@ramboll.co.uk]
Sent: 07 October 2014 11:33
To: [redacted] (NE)
Cc: [redacted]; [redacted]@aol.com
Subject: Gateway Energy Centre - Section 36 Consent Variation

GATEWAY ENERGY CENTRE: SECTION 36 CONSENT VARIATION

Thank you for your time yesterday.

Background

In February 2010, Gateway Energy Centre Limited (GECL) submitted an application for Consent under Section 36 of the Electricity Act 1989 to construct a 900 MW CCGT power plant to be known as Gateway Energy Centre (GEC). In August 2011, Consent was granted.

As part of the Consent, in recognition of the contribution of GEC to the existing poor standards of air quality (i.e. the critical levels for designated sites were already being exceeded without consideration to any process contributions from GEC), Conservation Projects were agreed and set out within (Schedule 4 of) the signed Section 106 Agreement dated 7 July 2011. The obligations were to:

1. **(Under Ecologist)** Provide an ecologist for 1 to 2 days per year, over a 5 year term to monitor mitigation works to regenerate acid grassland at Thundersley Great Common SSSI; and,
2. **(Under Least Lettuce Project)** Participate in a new Project to increase the population of Least Lettuce (*Lactuca saligna*) species at Vange and Fobbing Marshes.

Update

As noted, GECL are proposing to vary their existing Section 36 Consent to allow an increase in the permitted generation capacity of GEC from about 900 MW to up to 1250 MW. As part of the Variation Application, an updated air quality impact assessment has been undertaken. As part of the updated air quality impact assessment, it was found that the annual average critical levels are no longer exceeded (both without and with consideration to the process contributions of GEC).

Requirement for Changes to the Section 106 Agreement

In response to the consultation on the Variation Application, Natural England have suggested that: *"the current Section 106 Agreement should be reworded to reflect both the agreement reached as part of the historical permissions, and the new environmental baseline"*.

However, GECL is happy to proceed with the current Section 106 Agreement as it includes wording which allows for flexibility in the agreement to be reached with Natural England on the ultimate implementation of the two obligations noted above (for example, at Schedule 4, Paragraph 2.1 states that the scope of the works are to be agreed with Natural England.

We would welcome Natural England's agreement that the current Section 106 Agreement remains suitable, and would kindly ask that this is communicated to DECC in writing either by letter or by email update (to [REDACTED]@decc.gsi.gov.uk).

If you would like to discuss the above please contact me.

Kind Regards
[REDACTED]

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