

Date: 25 April 2016
Our ref: 181781
Your ref: Gateway Energy Centre

ENGLAND

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TC

National Infrastructure Consents
Department of Energy and Climate Change
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BY EMAIL ONLY

Dear !

Planning consultation: Application by Gateway Energy Centre Limited under The Electricity Generating Stations (Variations Of Consents)(England And Wales) Regulations 2013, to vary the consent issued by the Secretary of State for Energy and Climate Change on 4 August 2011 (as varied on 18 November 2014)

Location: Gateway Energy Centre, The Manorway, Stanford-Le-Hope, Essex

Thank you for your consultation on the above dated 21 March 2016 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.

Natural England is of the opinion that the proposed variations to the existing consent will not adversely affect any statutory designated nature conservation sites and therefore does not wish to object to these consent variations.

The rationale for this opinion is set out in the attached Annex.

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 on
i. For any new consultations, or to provide further information on this consultation
please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Area Team 8 (Essex, Herts, Beds, Cambs & Northants)

Annex

The proposed variations to the consent

Natural England understands that the current application seeks to vary the existing consent issued by the Secretary of State for Energy and Climate Change on 4 August 2011 (as varied on 18 November 2014) in two respects:

1. To allow the applicant the flexibility to construct and operate either:
 - up to two Closed Cycle Gas Turbine (CCGT) units, to a total electrical output of 1,250MW; or
 - one CCGT unit, plus one or more Open Cycle Gas Turbine (OCGT) units, to a total electrical output of 1,250MW, with each OCGT unit not exceeding 300MW electrical output.
2. To allow the applicant more flexibility in the current uncertain economic climate by extending the timescale for the construction and commissioning of the energy centre by a period of five years.

We note that most of the existing conditions would remain unchanged and, in particular, that no changes are proposed to the existing conditions 35-40 (Prevention of Contamination of Watercourses), 50-53 (Landscaping), 54 (Biodiversity Enhancement Measures) or 55 (Air Pollution Monitoring).

We also note that no changes are proposed to the two ecological projects included within the S.106 agreement (regeneration of acid grassland at Thundersley Great Common SSSI and increasing the population of least lettuce *Lactuca saligna* at Vange and Fobbing Marshes SSSI), or to the triggers which will initiate these projects.

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Thames Estuary and Marshes Special Protection Area (SPA) which is a European site. The site is also listed as the Thames Estuary and Marshes Ramsar site¹ and also notified at a national level as Mucking Flats and Marshes Site of Special Scientific Interest (SSSI) and South Thames Estuary and Marshes SSSI. Also in close proximity to the application site are the Vange and Fobbing Marshes SSSI, Holehaven Creek SSSI and Canvey Wick SSSI. Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have². The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European sites – no objection

The consultation documents provided by your authority do not include information to demonstrate

¹ Listed or proposed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Paragraph 118 of the National Planning Policy Framework applies the same protection measures as those in place for European sites.

² Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, ie the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site;
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

When recording your HRA we recommend you refer to the following information to justify your conclusions regarding the likelihood of significant effects.

The information provided within the Air Quality chapter of the Environmental Statement Further Information Document demonstrates that, even under the 'worst case' scenario 2C-2 (one CCGT unit and five OCGT units all operating continuously), the process contributions to the annual average atmospheric concentrations of NO_x at each of the internationally and nationally designated sites would be either insignificant or only marginally greater than those from the consented CCGT option. The process contributions to the atmospheric deposition of nitrogen at these sites under the 'worst case' scenario 2C-2 would not be significant. Similarly, the process contributions to the atmospheric deposition of acidity at these sites under the 'worst case' scenario 2C-2 would also be insignificant.

Therefore any effects upon the internationally and nationally designated sites resulting from the Gateway Energy Centre as envisioned by the proposed consent variations would not be significantly different from those resulting from the Gateway Energy Centre as currently consented.

Sites of Special Scientific Interest (SSSIs) – no objection – no conditions requested

This application is in close proximity to the following Sites of Special Scientific Interest (SSSIs):

- Mucking Flats and Marshes;
- South Thames Estuary and Marshes;
- Vange and Fobbing Marshes;
- Holehaven Creek;
- Canvey Wick.

The following SSSIs at greater distances from the application site have also been considered within the air quality assessment:

- Pitsea Marsh;
- Northward Hill;
- Chattenden Woods and Lodge Hill;
- Thundersley Great Common.

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Other advice

We would expect your authority to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure that your authority has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.