

Date: 29 September 2023  
Our ref: 447831  
Your ref: R/2023/0227/CD



Redcar and Cleveland Borough Council

For the attention of Adrian Miller

**BY EMAIL ONLY**

Customer Services  
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Dear Adrian,

**Planning consultation: HRA AMENDMENT - DISCHARGE OF CONDITIONS 3, 12 AND 16 OF  
OUTLINE PLANNING PERMISSION R/2019/0767/OOM**

**Location: GRANGETOWN PRAIRIE LAND EAST OF JOHN BOYLE ROAD AND WEST OF  
TEES DOCK ROAD GRANGETOWN**

Thank you for your consultation on the above dated 21 August 2023 which was received by Natural England on the same day. We are grateful for the extra time to reply.

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.

**SUMMARY OF NATURAL ENGLAND'S ADVICE - NO OBJECTION**

Based on the updated information submitted, Natural England considers that the proposed development will not have adverse effects on either the integrity of the Teesmouth & Cleveland Coast Special Protection Area (SPA) & Ramsar Site or the notified features of the associated Site of Special Scientific Interest (SSSI). Natural England is satisfied that adequate information has been submitted with respect to the discharge of the relevant planning condition.

**Habitat Sites – Teesmouth & Cleveland Coast Special Protection Area & Ramsar Site**

Based on the updated report<sup>1</sup> to inform the Council's Habitats Regulations Assessment (HRA), Natural England considers that the proposed development will not have significant effects on the Teesmouth & Cleveland Coast Special Protection Area and Ramsar site and has no objection to the proposed development.

Natural England notes that the Habitats Regulations Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

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<sup>1</sup> Tees Valley Energy Recovery Facility - Additional Information for Shadow Habitat Regulations Assessment - Viridor Tees Valley Limited - August 2023

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the Habitat Sites in question. In our most recent advice letter dated 30.6.23 we advised that the Council should consider the following in order to check the previous HRA's conclusions:

- Trends – i.e. most up to date available nitrogen deposition data (2019) for the location in question and trend information for pollutants at Coatham Sands including nitrogen.
- Duration of air quality effects on relevant habitats – and whether these may be judged temporary or permanent with respect to the 'Stable coastal sand dune grasslands (calcareous)' habitat community at Coatham Sands .
- Reversibility of effects and scope for reductions in background levels – taking account of national/regional trends and relevant initiatives which can be relied upon to reduce background levels at the site.

Having reviewed the updated assessment Natural England advises that we concur with the assessment conclusions. We offer the following supporting observations:

- The submitted report uses the terminology “no likely significant effects”. However an appropriate assessment has been carried out on the basis that the modelled 0.1kg/N/Ha/Yr increase COULD be significant. This approach represents stage 2 of the HRA process – the integrity test. We agree that adverse effects on the integrity of the SPA can be excluded without the need for mitigation.
- The predicted N deposition is small (0.1Kg/N/Ha/Yr) and would be counteracted by declining trends in N deposition from other sources before the scheme's predicted opening year. As a result the proposed scheme would not delay any improvement to the SPA and Ramsar site from these reductions.
- The assessment is based on a 'worst case' of ammonia emissions. This is the correct and precautionary approach to take in the assessment. In practice ammonia emissions and therefore N deposition are likely to be less.
- The argument in para 11.3 regarding the SSSI habitat being in a favourable in 2015 with a higher background N deposition value is not appropriate because SSSI assessment condition does not take into account the effects of aerial pollution. However it is reasonable to point out that background N deposition values have declined (and continue to do so) , and specific sectors that will contribute to the decline are noted and quantified.

Natural England is therefore satisfied that adequate information has been submitted with respect to the discharge of the relevant planning condition.

## **Teesmouth & Cleveland Coast Site of Special Scientific Interest**

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which this site has been notified and has no objection.

Specifically with regard to the 'stable coastal sand dune grasslands (calcareous)' habitat community at Coatham Sands we acknowledge the information provided separately by the applicant on 7.7.23<sup>2</sup>. We note that since the production of the EIA report the nitrogen deposition 'site relevant critical loads' on the Air Pollution Information System (APIS) have been reviewed and the values for this community reduced to reflect updated air quality research data. This has the effect of making the critical loads applied during air quality assessment more stringent than was the case before. Despite this the modelled nitrogen deposition load for the proposed scheme remains below the threshold above which significant effects may be expected in respect of SSSI features.

As a result, with regard to the SSSI's notified sand dune grassland features, Natural England is satisfied that adequate information has been submitted with respect to the discharge of the relevant planning condition.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on 07554 459452

Yours sincerely

Antony Muller  
Senior Adviser – Northumbria Area Team

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<sup>2</sup> Tees Valley Energy Recovery Facility Environmental Impact Statement SoC Part 2 of 2