

# REPORT on the IMPLICATIONS for EUROPEAN SITES Proposed Internal Power Generation Enhancement for Port Talbot Steelworks

An Examining Authority report prepared with the support  
of the Environmental Services Team



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Report on the Implications for European Sites for  
Internal Power Generation Enhancement for  
Port Talbot Steelworks

# 1.0 INTRODUCTION

## Background

- 1.1 Tata Steel UK Limited (the applicant) has applied to the Secretary of State for a development consent order (DCO) under section 37 of the Planning Act 2008 (as amended) for the proposed Internal Power Generation Enhancement for Port Talbot Steelworks. The draft DCO would allow the applicant to either construct the project in one phase (Option 1) or in two phases (Option 2). The Secretary of State has appointed an Examining Authority (ExA) to conduct an examination of the application, to report its findings and conclusions, and to make a recommendation to the Secretary of State as to the decision to be made on the application.
- 1.2 The relevant Secretary of State is the competent authority for the purposes of the Habitats Directive<sup>1</sup> and the Habitats Regulations<sup>2</sup> and the Offshore Marine Regulations<sup>3</sup> for applications submitted under the Planning Act 2008 regime (as amended). The findings and conclusions on nature conservation issues reported by the ExA will assist the Secretary of State in performing their duties under the Habitats Regulations.
- 1.3 This report compiles, documents and signposts information provided within the DCO application, and the information submitted throughout the examination by both the applicant and interested parties, up to 25 March 2015 in relation to potential effects on European Sites<sup>4</sup>. It is not a standalone document and should be read in conjunction with the examination documents referred to in this report.
- 1.4 It is issued to ensure that interested parties, including the statutory nature conservation body Natural Resources Wales (NRW), are consulted formally on Habitats Regulations matters. This process may be relied on by the Secretary of State for the purposes of Regulation 61(3) of the Habitats Regulations. Following consultation, the responses will be considered by the ExA in making their recommendation to the Secretary of State and made available to the Secretary of State along with this report. The RIES is not revised following consultation.

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<sup>1</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (as codified) (the 'Habitats Directive').

<sup>2</sup> The Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations).

<sup>3</sup> The Offshore Marine Conservation (Natural Habitats, &c) Regulations 2007 (as amended) (the Offshore Marine Regulations) apply beyond UK territorial waters (12 nautical miles). These regulations are relevant when an application is submitted for an energy project in a renewable energy zone (except any part in relation to which the Scottish Ministers have functions).

<sup>4</sup> The term European Sites in this context includes Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), potential SPAs, Sites of Community Importance (SCIs), Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the above. For a full description of the designations to which the Habitats Regulations apply, and/ or are applied as a matter of Government policy, see PINS Advice Note 10.

- 1.5 The applicant has not identified any potential impacts on European sites in other EEA States<sup>5</sup> (see the 'No Significant Effects' Report (Doc. 5.03)). Only UK European sites are addressed in this report.

## Documents used to inform this RIES

- 1.6 The applicant provided a 'No Significant Effects' Report with the DCO application. The report concluded that significant effects on European sites were not likely. The screening matrices were not included. The ExA requested the submission of screening matrices in their Rule 6 letter dated 13 November 2014.

### Examination

- 1.7 In response to the ExA's request and relevant representations made by Interested Parties during the examination, the applicant provided an updated Habitats Screening Report which included the screening matrices in Appendix D of that report. This was submitted to the ExA on 18 December 2014). The applicant concluded that there would be no likely significant effects on two of the European sites considered but that significant effects on Crymlyn Bog Special Area of Conservation and Ramsar site could not be excluded (see Section 6 of the Habitats Screening Report). As a result of reaching this conclusion the applicant also provide a Report to Inform an Appropriate Assessment. An integrity matrix was included in Appendix A of that report.

### Application Documents

- 5.03 No Significant Effects Report dated July 2014 (submission version)
- Environmental Statement
  - 6.01 Vol. 1: Non-technical Summary
  - 6.02 Vol. 2: Main Text and Figures
    - 6.02.2 – 6.02.5 Vol. 2b – 2e Figures (index)
    - 6.02.2 – 6.02.5 Vol. 2b – 2e Figures
  - 6.03.1 Vol. 3a Appendices

### Representations

- City and County of Swansea relevant representation
- Natural Resources Wales relevant representation
- Neath Port Talbot County Borough Council relevant representation

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<sup>5</sup> European Economic Area (EEA) States.

- Neath Port Talbot County Borough Council responses to ExA's first round of written questions
- Natural Resources Wales written representations (incorporating responses to the ExA's first round of written questions)
- Applicant's response to the ExA's first round of written questions
- Applicant's comments on local impact reports
- Applicant's comments on written representations

### **Local Impact Reports**

- City and County of Swansea local impact report
- Neath Port Talbot County Borough Council local impact report

### **Statements of Common Ground**

- Statement of common ground between Tata Steel UK Limited and the Natural Resources Body for Wales

### **Hearing Documents**

- Natural Resources Wales Written summary of the oral representation put at the Issue Specific Hearing on environmental matters held on 25 February 2015
- Neath Port Talbot County Borough Council Notes of issue specific hearing 25 February 2015
- Tata Steel UK Limited Written summary of oral representations put at the Issue Specific Hearing on compulsory acquisition and environmental matters held on 25 February 2015.

### **Other Documents**

- 5.03 Habitats Screening Report dated December 2014 (post-submission version)
- 5.05 Report to inform an appropriate assessment dated December 2014 (post-submission version)

## **Structure of this RIES**

1.8 The remainder of this report is as follows:

- **Section 2** identifies the European sites that have been considered within the DCO application and during the examination period, up to 25 March 2015. It provides an overview of the issues that have emerged during the examination.

- **Section 3** identifies the European sites and qualifying features screened by the applicant for potential likely significant effects, either alone or in-combination with other projects and plans. The section also identifies where Interested Parties have disputed the applicant's conclusions, together with any additional European sites and qualifying features screened for potential likely significant effects during the examination.
- **Section 4** identifies the European site and qualifying feature which have been considered in terms of adverse effects on site integrity, either alone or in-combination with other projects and plans. The section identifies where Interested Parties have disputed the applicant's conclusions, together with any additional European sites and qualifying features considered for adverse effects on integrity during the examination.

## 2.0 OVERVIEW

### European Sites Considered

- 2.1 The project is not connected with or necessary to the management for nature conservation of any of the European sites considered within the applicant's assessment.
- 2.2 The applicant's HRA Report identified the following four European sites (and features) for which the UK is responsible for inclusion within the assessment:

**Table 2.1: Sites Screened into the HRA by applicant**

European Site	Designated features
Kenfig Special Area of Conservation	Fixed dunes with herbaceous vegetation (priority feature)
	Dunes with <i>Salix repens</i> ssp. <i>Argentea</i> ( <i>Salicion arenariae</i> )
	Humid dune slacks
	Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp.
	Atlantic salt meadows ( <i>Glaucopuccinellietalia maritimae</i> )
	Petalwort ( <i>Petalophyllum ralfsii</i> )
	Fen orchid ( <i>Liparis loeselli</i> )
Cefn Cribwr Grasslands Special Area of Conservation	<i>Molinia</i> meadows on calcareous, peaty or clayey-silt laden soils ( <i>Molinion caerulea</i> )
	Marsh fritillary butterfly ( <i>Eurodryas</i> , <i>Hypodryas</i> ) <i>aurinia</i>
Crymlyn Bog Special Area of Conservation; and Crymlyn Bog Ramsar site	Transition mires and quaking bogs
	Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallanae</i> (priority feature)
	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> ) (priority feature)

- 2.3 The applicant identified all the European sites within a 10km buffer of the project site. This approach is based on the guidance on screening effects on designated wildlife sites provided in the Environment Agency Horizontal Guidance Note H1, Annex F – Air Emissions (2011).
- 2.4 In response to question 6.01 from the ExA, Natural Resources Wales (NRW) and Neath Port Talbot County Borough Council (NPTCBC) did not identify any other UK European site or European site features that could be affected by the project. NRW advised, in response to question 6.02 from the ExA that the designated features of the Crymlyn Bog SAC are also appropriate for use in the assessment of effects on the Ramsar site. (see NRW written representations, Annex B, answer to question 6.02).

### HRA Matters Considered During the Examination

- 2.5 The Examination has focussed on the potential effects of aerial emissions from the project to lead to increased acidification and deposition of nutrient nitrogen on the European sites within 10km.

### **3.0 LIKELY SIGNIFICANT EFFECTS**

- 3.1 The applicant has described how they have determined what would constitute a 'significant effect' within their HRA report (5.5.0 HRA Screening Report, section 4.2). This follows EC guidance on habitats assessment (EC Guidance document: 'Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (2000)' and EC Guidance document: 'Assessment of plans and projects significantly affecting Natura 2000 sites (2001)').
- 3.2 The applicant has addressed potential in-combination effects within their HRA report (5.5.0 HRA Screening Report, section 5). The following projects have been included in the in-combination assessment carried out by the applicant:
- Mynydd Brombil Wind Farm
  - Swansea Bay Tidal Lagoon
  - Abernedd Power Plant
  - Biomass II Power Station
  - Prenergy Port Talbot Renewable Energy Plant
- 3.3 No additional projects that needed to be included in the in-combination assessment were highlighted by NRW or NPTCBC during the examination (see NRW written representations, Annex B, answer to ExA question 6.06 and NPTCBC responses to the ExA's first round of questions, paragraphs 32-33).

**Table 3.1: The applicant's screening exercise and degree of agreement with Interested Parties**

<b>Features</b>	<b>Screening result: LSE alone or in combination?</b>	<b>Agreed with SCNB and other relevant parties?</b>	<b>Assessment of effects on integrity required?</b>	<b>Agreed with SNCB and other relevant parties?</b>
<b><u>Kenfig Special Area of Conservation</u></b>				
All features	No (5.5.0 HRA Screening Report sections 4 & 5, Appendix D, Screening Matrices)	Yes (NRW written representations, paragraph 1.1, NRW written summary of oral case at ISH hearing, paragraph 8, NPTCBC responses to ExA first round of written questions, 6.05)	No	Yes (NRW written representations, paragraph 1.1, NRW written summary of oral case at ISH hearing, paragraph 8)
<b><u>Cefn Cribwr Special Area of Conservation</u></b>				
All features	No (5.5.0 HRA Screening Report sections 4 & 5, Appendix D, Screening Matrices)	Yes (NRW written representations, paragraph 1.1, NRW written summary of oral case at ISH hearing, paragraph 8, NPTCBC responses to ExA first round of written questions, 6.05)	No	Yes (NRW written representations, paragraph 1.1, NRW written summary of oral case at ISH hearing, paragraph 8)

Features	Screening result: LSE alone or in combination?	Agreed with SCNB and other relevant parties?	Assessment of effects on integrity required?	Agreed with SNCB and other relevant parties?
<b><u>Crymlyn Bog Special Area of Conservation/Ramsar site</u></b>				
Transition mires and quaking bogs	Yes, <b>Option 2, Phase 1 in-combination effects only</b> (5.5.0 HRA Screening Report sections 4 & 5, Appendix D, Screening Matrices)	Yes (NRW written representations, paragraph 1.1, Annex B answer to q. 6.03)	Yes (5.5.0 HRA Screening Report section 6, Appendix D, Screening Matrices)	Yes (NRW written representations, paragraph 1.1, Annex B answer to q. 6.03)
Calcareous fens with Cladium mariscus and species of the Caricion davallanae (priority feature)	No (5.5.0 HRA Screening Report sections 4 & 5, Appendix D, Screening Matrices)	Yes (NRW written representations, paragraph 1.1, Annex B answer to q. 6.03)	Yes (5.5.0 HRA Screening Report section 6, Appendix D, Screening Matrices)	Yes (NRW written representations, paragraph 1.1, Annex B answer to q. 6.03)
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) (priority feature)	No (5.5.0 HRA Screening Report sections 4 & 5, Appendix D, Screening Matrices)	Yes (NRW written representations, paragraph 1.1, Annex B answer to q. 6.03)	Yes (5.5.0 HRA Screening Report section 6, Appendix D, Screening Matrices)	Yes (NRW written representations, paragraph 1.1, Annex B answer to q. 6.03)

## Summary of the HRA Screening Outcome during the Examination

- 3.4 A total of 4 European sites were screened by the applicant prior to examination (see Table 2.1 – note that Crymlyn Bog is covered by 2 designations as a SAC and a Ramsar site and so has been treated as 2 European sites). Of these sites, the applicant concluded that there would be no likely significant effect on 2 European sites and their qualifying features: Kenfig Special Area of Conservation and Cefn Cribwr Special Area of Conservation (see Table 3.1). The IPs did not dispute the applicant's conclusion of no likely significant effects on these European sites and their qualifying features during the examination.
- 3.5 The applicant concluded that there were likely significant effects on 2 European sites: Crymlyn Bog Special Area of Conservation and Crymlyn Bog Ramsar site (Table 3.1), but only for Option 2, Phase 1 in combination with emissions from other consented power plants in the vicinity. The Interested Parties did not dispute the applicant's conclusion for these European sites and qualifying features. These two sites are discussed further in Section 4 to this report.

## 4.0 ADVERSE EFFECTS ON INTEGRITY

### Conservation Objectives

- 4.1 The conservation objectives for the European sites taken forward to Appropriate Assessment and discussed in this section of the report were provided by the applicant with their Report to Inform an Appropriate Assessment (see Table 3.1 of that report).

### The Integrity Test

#### **No Adverse Effects on Site Integrity**

- 4.2 The applicant concluded that the project will not adversely affect the integrity of the European sites and features listed in Table 4.1 below.
- 4.3 The applicant's conclusions in relation to the sites and features shown in the Table were not disputed by any Interested Parties.

**Table 4.1: The applicant's shadow appropriate assessment and degree of agreement with Interested Parties**

Features	Potential Adverse Effect on Integrity?	Agreed with SCNB and other relevant parties?	Comments
<b><u>Crymlyn Bog Special Area of Conservation/Ramsar site</u></b>			
Transition mires and quaking bogs	No (5.05 Report to Inform an Appropriate Assessment)	Yes (NRW written representations paragraph 1.1, Annex B, answers to q. 6.0.3-6.0.5, written summary of oral case for ISH on 25 February 2015, paragraphs 4-7, SoCG dated March 2015, paragraph 9.6)	<p>The applicant identified likely significant effects from the project in-combination with other power plants in the vicinity for this feature, caused by an increase in the deposition of nutrient nitrogen. The applicant and NRW agreed that this would not lead to an adverse effect on integrity for a number of reasons including:</p> <ul style="list-style-type: none"> <li>• The temporary nature of the effect</li> <li>• The Industrial Emissions Directive will set stricter nitrogen oxides emission limits leading to a reduction in background levels</li> <li>• The increase in emission would be extremely small and will not lead to the conservation objectives of the site being undermined.</li> </ul>

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