



Overview - Transboundary screening undertaken by the Secretary of State	
Project name:	York Potash Harbour Facilities
Address/Location:	Bran Sands, Teesside, on the south bank of the River Tees
Planning Inspectorate Ref:	TR030002
Date screening undertaken:	First screening: 8 January 2014 following the applicant's request for a scoping opinion Second screening: 5 May 2015 following the submission of the application documents.
EEA States identified for notification:	First screening: None identified Second screening: None identified

FIRST TRANSBOUNDARY SCREENING UNDERTAKEN BY THE SECRETARY OF STATE	
Document used for transboundary screening:	York Potash Project Port Facility Environmental Scoping Report, November 2013 ('the Scoping Report')
Date:	8 January 2014
Screening Criteria:	Secretary of State Comments:
Characteristics of the Development	<p>The proposed development is a port facility which is required to export polyhalite bulk fertiliser. Three options (Options 1, 2 and 3) are currently being considered for the proposed development, all of which would be located at Bran Sands, on the Tees Estuary and would include the following infrastructure:</p> <ul style="list-style-type: none"> • marine terminal: <ul style="list-style-type: none"> ○ quay (including dredging) ○ ship loaders ○ storage area ○ conveyor connection works; and ○ maintenance platforms and gangways. • conveyor system; and • berth side storage facility with a capacity of 130,000 tonnes of material. <p>However, only Options 1 & 2 would locate the proposed materials handling facility (MHF) at Bran Sands, so that it would be included within the proposed DCO application for the port facility. Option 3 would locate the MHF at Wilton, so that under this option, the MHF would not be included within the proposed DCO application for the port facility and would instead be consented under a separate planning regime.</p> <p>If the proposed MHF (Option 1 or 2) is located at the port facility at Bran Sands, it would include a:</p> <ul style="list-style-type: none"> • pipeline reception facility, • materials handling plant, • product bagging and storage area, • administration and site services area, and, • storage facility (capacity of 750,000 tonnes, 75m by 500m in size).
Geographical area	The Scoping Report does not identify that the proposed

	development will affect an area under the jurisdiction of another EEA State.
Location of Development (including existing use)	<p>The site is located at Bran Sands at Teesport, on the east coast of England. The offshore elements of the proposal would be located in the Tees estuary which flows into the North Sea.</p> <p>The onshore elements of the proposal would be located on land that includes areas of grassland, hardstanding, conveyors and pylons, and parts of it are currently used for the storage of materials. The development would be partially located on Bran Sands Lagoon.</p>
Cumulative impacts	<p>At this stage, the applicant has not undertaken a cumulative assessment for the proposed development. However, the Scoping Report identifies the following developments, which may have a cumulative impact with the proposed development:</p> <ul style="list-style-type: none"> • York Potash minehead, pipeline and MHF (assuming the latter component is at Wilton), and any other ancillary development linked to the overall York Potash Project • Northern Gateway Container Terminal • Refurbishment of the QEII jetty • Redevelopment of No.1 Quay • ConocoPhillips LNG import/storage/re-gasification facility and CHP plant • Able UK Seaton port (and capital dredging of Seaton Channel) • Environment Agency Tees Tidal Flood Risk Management Strategy • North and South Tees Industrial Development Framework • Teesmouth and Cleveland Coast European Marine Site Management Scheme • EDF Teesside Offshore Wind Farm • Simon Storage proposed new jetty No. 2 • Vopak Teesside Terminal No. 4 • Britmag Magnesia Works • Thor Cogeneration plant • National Grid Tees crossing • Dogger Bank Creyke Beck A and B landfall • Dogger Bank Teesside A and B landfall; and • Dogger Bank Teesside C and D landfall.
Carrier	Disturbance and displacement by water and by air.
Environmental Importance	<p><u>Commercial and recreational navigation</u></p> <p>The proposed development is partially located in the Tees estuary where existing harbour facilities are located. The proposed development includes dredging works in the approach channel of the estuary. The applicant has not yet determined what use will be made of the dredged material, but options being considered include the use of the material to reclaim part of Bran Sands Lagoon or disposal at an offshore disposal site located in Tees Bay.</p>

	<p>The operation of the development would increase the commercial traffic in the estuary. The Scoping Report concludes that these activities may affect vessel movements to and from the estuary. The country of origin of the vessels using the existing harbour facilities in the estuary are not stated in the Scoping Report.</p> <p><u>Fisheries resources</u></p> <p>A number of fish species have been identified within the Tees Estuary including herring, plaice, sandeel and river lamprey, and migratory species such as salmon, sea trout and European eel.</p> <p>The Scoping Report confirms that most commercial fishing activity takes place outside of the estuary. However, a small amount of lobster and crab fishing does occur within the estuary.</p> <p><u>European Sites and Bird Species</u></p> <p>The Teesmouth and Cleveland Coast SPA and Ramsar sites are located 1km from the proposed site. The qualifying features of the Teesmouth and Cleveland Coast SPA include little tern, sandwich tern, ringed plover, knot and redshank. The qualifying features of the Teesmouth and Cleveland Coast Ramsar site include populations of common redshank and knot.</p> <p>The Scoping Report confirms that the dredging works have the potential to affect food resources for birds, in particular, terns through an increase in suspended sediments due to the dredging works.</p> <p><u>Marine Mammals</u></p> <p>Seal Sands, located on the north bank of the Tees Estuary is a haul-out site for both common (harbour) seals and grey seals, and a breeding site for common seals. The Scoping Report confirms that marine mammals may be affected by the proposed development as a result of noise and vibration caused by the piling and dredging works, but has not identified any SAC sites designated for these features.</p>
Extent	Not identified in the Scoping Report. However, on the basis of the information provided within the Scoping Report about the proposed development no significant effects have been identified which could impact on another EEA Member State.
Magnitude	No impacts identified which would be likely to affect another EEA State.
Probability	No impacts identified which would be likely to affect another EEA State.
Duration	No impacts identified which would be likely to affect another EEA State.
Frequency	No impacts identified which would be likely to affect another EEA State.

Reversibility	No impacts identified which would be likely to affect another EEA State.
<u>Transboundary screening undertaken by the Secretary of State</u>	
<p>Under Regulation 24 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) and on the basis of the current information available from the Applicant, the Secretary of State is of the view that the proposed development is not likely to have a significant effect on the environment in another EEA State.</p> <p>In reaching this view the Secretary of State has applied the precautionary approach (as explained in the Planning Inspectorate's Advice Note 12: Transboundary Impacts Consultation); and taken into account the information currently supplied by the Applicant.</p> <p>Action:</p> <p>No further action required at this stage.</p> <p>Date: 8 January 2014</p> <p>Note: The Secretary of State's duty under Regulation 24 of the EIA Regulations continues throughout the application process.</p>	

SECOND TRANSBOUNDARY SCREENING UNDERTAKEN BY THE SECRETARY OF STATE	
Document used for transboundary Screening:	<ul style="list-style-type: none"> • Habitat Regulations Assessment (March 2015) (application document 6.3) 'the HRA Report' • Environmental Statement (March 2015) (application document 6.4) 'the ES' • ES: Technical Appendices (March 2015) (application document 6.5) • Cumulative Impact Assessment (March 2015) (application document 6.6)
Date	Re-screened on 5 May 2015 following the submission of the application documents.
<u>Transboundary re-screening undertaken by the Secretary of State</u>	
<p>Following the submission of the DCO application which included the ES and the applicant's HRA Report, the Secretary of State has reconsidered the transboundary screening decision undertaken on 8 January 2014.</p> <p>The Secretary of State has had regard to the following matters that were not considered at the time of the previous transboundary screening decision:</p> <ul style="list-style-type: none"> • change in the description of the proposed development, • change in the plans/projects considered in the cumulative and in-combination assessments, and • offshore disposal of dredged material. <p><u>Change in the description of the proposed development</u></p> <p>Further to the first transboundary screening undertaken on 8 January 2014, the applicant has pursued Option 3 for the proposed development, whereby the materials handling facility does not form part of the DCO application and instead is a separate TCPA</p>	

application. The extent of the dredging works is now limited to the immediate approach channel and the berth pocket.

Change in the plans/projects considered in the cumulative and in-combination assessments

An updated list of plans/projects included in the cumulative impact assessment is provided in Table 4.1 of the Cumulative Impact Assessment (application document 6.6). A list of the projects included in the in-combination assessment is provided in paragraph 11.2.1 of the applicant's HRA Report (application document 6.3).

In relation to the other elements of the overall York Potash Project, the pipeline previously proposed to transport the polyhalite from the mine head at Dove's Nest Farm, south Whitby, to the Materials Handling Facility located at Wilton, has now been replaced by a tunnel and is a separate TCPA application.

Offshore disposal of dredged material

The ES includes an assessment of the potential effects of offshore disposal of dredged material arising from capital dredging (ES Section 22: Offshore disposal of dredged material, application document 6.4). Whilst the ES identifies that the disposal of material offshore has the potential to have an influence on fish populations and fisheries, benthic ecology and commercial navigation, the ES concludes that there would be no significant impact on these receptors. The ES states the disposal of material does not have the potential to have a significant influence on any other topic areas (see ES Section 22 paragraph 22.3.2)

In relation to potential effects on fish populations and fisheries the ES concludes there would be no significant impact and no mitigation measures are considered to be required (ES Section 22 paragraph 22.3.5) and for benthic ecology the impacts would be negligible and confined to the disposal area (ES Section 22 paragraph 22.3.9).

In relation to commercial navigation, the numbers of dredging vessels transiting through the channel at any one time would be low and no significant impact is predicted as a consequence (see ES Section 22 paragraph 22.3.11). The management measures described in Section 16.5 of the ES (commercial navigation) apply to all construction activity and would also encompass vessel movements associated with the disposal of dredged material.

Conclusion

Under Regulation 24 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations) and on the basis of the current information available from the Applicant, there is no change to the previous conclusion, and the Secretary of State remains of the view that the proposed development **is not likely** to have a significant effect on the environment in another EEA State.

In reaching this view the Secretary of State has applied the precautionary approach (as explained in the Planning Inspectorate's Advice Note 12: Transboundary Impacts Consultation); and taken into account the information currently supplied by the Applicant.

Action:

No further action required at this stage.

Date: 5 May 2015

Note: The Secretary of State's duty under Regulation 24 of the EIA Regulations continues throughout the application process

Note:

1. The Secretary of State's screening of transboundary issues is based on the relevant considerations specified in Annex 4 to Planning Inspectorate Advice Note 12 available on the Planning Inspectorate's website at <http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>