

From: [Hall, Deborah \(NE\)](#)
To: [York Potash Harbour](#)
Cc: [Robert Ranger](#); [Q"Halloran, Des \(NE\)](#); [Ash, Merlin \(NE\)](#); [Chumbley, Adam \(MMO\)](#); [Sked, Cameron \(cameron.sked@environment-agency.gov.uk\)](#); [Matt Simpson](#)
Subject: 151211 TR030002 Natural England - Response to ExA's queries on the RIES
Date: 11 December 2015 11:00:35
Attachments: [172644_TR030002_York_Potash_response_to_queries_on_RIES.pdf](#)

TR030002 York Potash Harbour Facilities

Reference Number 10031280

Please find enclosed Natural England's response to Examining Authority's Questions on the RIES issued on 25 November 2015

Kind Regards

Deborah Hall
Principal Adviser
Sustainable Development Team
Home Based (North East)
Tel: 0300 060 2259
Mobile: 0791 962 5708

Post should be sent to Natural England, Mail Hub, Block B Government Buildings, Whittington Road, Worcester WR5 2LQ marked for my attention

www.gov.uk/natural-england

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Date: 11 December 2015
Our ref: 172644
Your ref: TR030002 - 10031280



yorkpotashharbour@pins.gsi.gov.uk

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Peter Robottom

**The Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8(3) and 17
Application by York Potash Ltd for an Order Granting Development Consent for the York Potash Harbour Facilities Order
Publication of the Report on the Implications for European Sites, publication of the draft Development Consent Order, and a request for information.**

Thank you for your consultation on the above dated 25 November 2015 which was received by Natural England on 25 November 2015.

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.

Responses to the queries raised in Annex A of your letter are attached.

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

Yours sincerely

Deborah Hall
Sustainable Development

Annex A - Response to questions addressed to NE

Paragraphs 2.8 – 2.10 of the RIES – Please can NE confirm, in accordance with the requirements of Regulation 63 of the Habitats Regulations¹ (review of existing decisions and consents), that they are satisfied that the applicant has assessed effects on Common tern and the implications of the possible extension to the Teesmouth and Cleveland Coast SPA?

Response: Natural England can confirm that we consider that the applicant has satisfactorily assessed effects on common tern relating to the implications of the possible extension to the Teesmouth and Cleveland Coast SPA, in the context of the current situation where the extension is not yet formally proposed. By considering potential effects at this stage, a project can seek to minimise risks that would be considered in any future review. It is important to note however that Natural England would not be the Competent Authority undertaking any subsequent Regulation 63 review, and we will need to advise the Competent Authority in light of the circumstances at that time.

Paragraph 4.24 of the RIES (and Integrity Matrices 1 and 2 (footnote c) of Annex 2 of the RIES)– Please can NE and the MMO confirm that the amended wording provided by the applicant in Paragraph 7 of Part 2 and Condition 48 of Part 4 of Schedule 5 (the DML) of the draft DCO, in the version of the draft DCO provided at Deadline 4 [REP4-053 and REP4-054], adequately reflects the revised wording as agreed between the applicant, NE and the MMO, as documented in NE’s and MMO’s Deadline 4 representations ([REP4-009] and REP4-010] respectively)?

Response: Natural England has agreed with the MMO that the amended wording provided by the applicant adequately reflects the agreed revised wording

Paragraph 4.30 of the RIES (and Integrity Matrices 1 and 2 (footnote e) of Annex 2 of the RIES)– Please can NE and the MMO confirm that the amended wording provided by the applicant in Requirement 9 of Schedule 2 of the draft DCO provided at Deadline 4 [REP4-053 and REP4-054] adequately reflects the revised wording as agreed between the applicant, NE and the MMO, as documented in NE’s and MMO’s Deadline 4 representations ([REP4-009] and REP4-010] respectively)?

Response: Natural England has agreed with the MMO that the amended wording provided by the applicant adequately reflects the agreed revised wording

Paragraph 4.31 of the RIES (and Integrity Matrices 1 and 2 (footnote e) of Annex 2 of the RIES) – Please can NE confirm that the wording in the new Section 3.5 (waterbird populations) in the outline Ecological Mitigation Plan provided at Deadline 4 [REP4-059], is adequate to incorporate the operational visual and lighting mitigation measures identified in the applicant’s HRA Report, as required by NE in response to the ExA’s Second Written Questions (Response to Question HRA 2.9 [REP4-009])?

Response: Natural England can confirm that the wording referred to above in the new Section 3.5 (waterbird populations) in the outline Ecological Mitigation Plan is adequate to incorporate the operational visual and lighting mitigation measures identified in the applicant’s HRA Report.

Paragraphs 4.35 and 4.36 of the RIES (and Integrity Matrices 1 and 2 (footnote h) of Annex 2 of the RIES) – Please can NE confirm that the applicant has incorporated into the latest version of the draft DCO provided at Deadline 4 [REP4-053 and REP4-054] the revisions identified in NE’s Deadline 4 representation (NE’s response to ExA’s Second Written Questions DCO 2.7, DCO 2.8, HRA 2.4, HRA 2.5, HRA 2.7, HRA 2.9 and HRA 2.12)? Please can NE confirm that on that basis, NE considers that the mechanisms identified by the applicant, as recorded in paragraph 4.35 of the RIES, are appropriate to secure the mitigation in order to conclude no adverse effect on site integrity of the Teesmouth and Cleveland Coast SPA and Ramsar sites?

Response: Natural England can confirm that the applicant has adequately incorporated the revisions referred to above in the latest version of the draft DCO. We also confirm that the mechanisms identified by the applicant, as recorded in paragraph 4.35 of the RIES, are appropriate to secure the mitigation in order to conclude no adverse effect on site integrity of the Teesmouth and Cleveland Coast SPA and Ramsar sites.