

Date: 23 August 2022
Our ref: 15431/393333
Your ref: EN010103



The Net Zero Teesside Project Case Team
National Infrastructure Planning
The Planning Inspectorate

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

SUBMITTED VIA THE NATIONAL INFRASTRUCTURE PLANNING PROJECT PORTAL

T [REDACTED]

For the attention of: The Net Zero Teesside Project Case Team

NSIP Reference Name / Code: EN010103 – The Net Zero Teesside Project
Unique Reference: NZTP-SP004

Title: Examining Authority's Second Written Questions and Requests for Information

Examining authority's submission Deadline 6 with a date of 23 August 2022.

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.

For any further advice on this consultation please contact the case officer Nick Lightfoot at [REDACTED]@naturalengland.org.uk and copy to consultations@naturalengland.org.uk.

Yours sincerely

Nick Lightfoot

Northumbria Area Team

Natural England's overall conclusions

Natural England continues to work with the applicant to address concerns regarding impacts on the water quality of the Teesmouth and Cleveland Coast Special Protection Area/Ramsar site. We have also engaged in further discussions with the applicant to ensure all potential impacts on the adjacent designated sites are adequately addressed in the Habitats Regulations Assessment.

Please find Natural England's responses to the Examining Authority's Second Written Questions in Table 1, below.

Natural England's Written Representations

Natural England's response to the Examining Authority's (ExA's) second written questions with a deadline of 23 August 2022

Table 1: Natural England response to Examiner's second written questions			
ExA question ref	Question addressed to	Question	Answer
AQ.2.2	Applicants Natural England (NE) EA	<p>At ISH4 the ExA requested an explanation of how the stated level of effects on air quality can be safeguarded without specifying a minimum height (Action 15 [EV8-006]). It is appreciated that conservative assumptions have been incorporated into the air quality monitoring. However, in the absence of an agreed minimum height the stack could be reduced to an unknown and uncontrolled extent following Front End Engineering Design (FEED) [REP5-027]. The emissions are highly sensitive to this parameter and modelling results suggest that NO₂ concentrations at ground level increase rapidly once the stack is less than 90 m in height (Diagram 8B-2 of [APP-248]).</p> <p>The ExA has noted that dispersion modelling will be carried out on the post-FEED design to ensure that it does not lead to an increase in the level of effect that was presented in the ES and that this will be required by the EA to assist in determination of the permit [REP5-027]. However, an increase in emissions or change in distribution of these has the potential to have an effect on the European Sites that will need to be considered as part of the Habitat Regulations Assessment (HRA). The ExA will need sufficient information by the end of the examination period to make a recommendation to the Secretary of State (SoS) on this matter. There are also potential implications for the WFD assessment and potential effects on the Coatham Sands Site of Special Scientific Interest (SSSI).</p> <p>Please provide by D6:</p>	<p>Natural England notes that Chapter 8 of the Environmental Statement states the following: "A range of stack heights were assessed at PEI stage, and in terms of the air quality impacts, the results obtained for the lowest stack height considered to be appropriate for the operational Proposed Development was reported" and that should a lower stack height become a viable option this "reduction would be subject to further modelling to ensure that predicted impacts remained within those presented in this ES" (points 8.2.39 and 8.2.43).</p> <p>As such, Natural England was under the impression that the modelling was conducted based on the lowest possible stack height. If this is not the case, the applicant should state what the lowest possible stack height is and provide modelling / assessment based on that height to inform the HRA and SSSI assessments.</p>

		<p>i.an update to the HRA Report in respect of this matter taking into account all of the issues raised above;</p> <p>ii.an assessment of the potential effects on the Coatham Sands SSSI if the stack heights were at their lowest possible level; and</p> <p>iii.an assessment of the implications for the WFD assessment if the stack heights were at their lowest possible level</p> <p>The ExA would welcome comments from NE and the EA on these matters.</p>	
BIO.2.1	NE Applicants	<p>ES Chapter 15 Ornithology [APP-097] (paragraph 15.3.19) states that ‘The approach to baseline development and the wider EclA [Ecological Impact Assessment] has been discussed with Natural England and other relevant stakeholders throughout the process of Proposed Development design and EIA [Environmental Impact Assessment] to date.’</p> <p>i.Can NE confirm that it is content with this approach?</p> <p>The Applicants are asked to confirm which other relevant stakeholders were consulted and the responses which were received.</p>	<p>Natural England can confirm that we are content with the approach taken. The approach includes desk-based studies, the majority of which are not older than 5 years, and field surveys that are representative of an annual cycle. The baseline studies/surveys cover a wider area than the red line boundary for the proposed development, which ensures a reasonable buffer has been considered.</p>
BIO.2.2	IPs	<p>Paragraph 15.3.20 of ES Chapter 15 Ornithology [APP-097] explains that ‘A desk study was undertaken throughout 2018/2019 and updated in 2020 to identify sites designated specifically for their ornithological interest, as well as protected and notable species of potential relevance to the Proposed Development.’</p> <p>i.Are IPs content with the scope of the desk studies?</p> <p>Is an update now required?</p>	<p>Natural England confirms that there have been no changes to international or national sites designated for ornithological interest since 2020.</p>
BIO.2.3	Applicants NE	<p>Paragraph 15.7.17 of ES Chapter 15 Ornithology [APP-097] describes how ecological monitoring would be confirmed and agreed as part of the discharge of a Requirement.</p>	<p>Natural England has continued to work with the applicant, through the development of a Statement of Common Ground, regarding the scope of ecological monitoring requirements and the detail of the Final CEMP. As Natural England will be</p>

		<p>i. Why is it not proposed to establish the scope of monitoring within the Requirement? Is NE content that monitoring is confirmed as part of the discharge of a Requirement?</p>	<p>consulted on the discharge of this Requirement, we are satisfied that our concerns will be fully addressed through that process.</p> <p>Ecological monitoring needs to be tailored to the final designs and methods, as well as the specific habitats and species that could be affected. The monitoring will need to include appropriate trigger points and actions to give Natural England confidence that there will be no adverse effects on the adjacent designated sites.</p>
BIO.2.10	Applicants NE EA	<p>Process water discharges (particularly nitrogen) have the potential to have adverse effects on the site integrity of the Teesmouth and Cleveland Coast Ramsar, SPA and SSSI. NE has raised its concerns regarding the issue of nutrient neutrality in its Written Representation [REP2-065], SoCG [REP1-010] and in its D4 response [REP4-040]. The EA has raised the potential issue of cumulative impacts of dissolved inorganic nitrogen on WFD and the site integrity of nearby designated sites in its SoCG [REP1-009]. The ExA notes the response to this matter in the Applicants' response to ISH4 [REP5-027].</p> <p>The Applicants, NE and EA are directed to a specific question on this issue below at WE.2.1.</p>	<p>See WE.2.1 for Natural England's comments on this matter.</p>
BIO.2.11	NE	<p>In its Written Representation NE [REP2-065] identified a concern about the potential impacts of installing rock armour protection, noting that this had not been addressed in the HRA. At D4 the Applicants responded, indicating that an assessment of installing rock armour protection had been included in an updated HRA Report submitted at D3 [REP3-002]. NE is asked to comment on this aspect of the updated HRA Report and to indicate whether or not it addresses its concerns.</p>	<p>Natural England is not satisfied that the potential impacts of installing rock armour protection have been adequately addressed in the HRA submitted at D3.</p> <p>Natural England has clarified its stance on this matter through written and verbal correspondence with the applicant. Although the HRA submitted at D3 does not fully address our concerns, the applicant has stated that they will submit a further updated HRA, which we anticipate will.</p>
GH.2.7	NE	<p>An 'example' of how the risks from frac-out and drilling mud spillage would be mitigated and controlled is provided in the updated CEMP [REP5-013]. The formal plan to prevent risks of frac-out and minimise any associated risk of pollution will form part of the final CEMP.</p>	<p>Natural England is not satisfied that the risks posed by frac-out have been adequately addressed in the updated CEMP.</p> <p>The updated CEMP includes details measures that will be put in place to minimise the risk of frac-out occurring, which we</p>

		<p>Is NE satisfied that the risks from frac-out from HDD operations would be adequately controlled by the DCO?</p>	<p>welcome. However, a contingency plan should be in place that details what would happen should a frac-out occur. This should include details of clean-up operations for terrestrial and marine environments.</p> <p>Natural England would find it acceptable for the above to be detailed in the final CEMP and discharged as part of a Requirement.</p>
WE.2.1	Applicants EA NE	<p>Process water discharges (particularly nitrogen) have the potential to have adverse effects on the site integrity of the Teesmouth and Cleveland Coast Ramsar, SPA and SSSI. NE has raised its concerns regarding the issue of nutrient neutrality in its written representation [REP2-065], SoCG [REP1-010] and in its D4 response [REP4-040]. The EA has raised the potential issue of cumulative impacts of dissolved inorganic nitrogen on WFD and the site integrity of nearby designated sites in its SoCG [REP1-009]. The ExA notes the response to this matter in the Applicants' response to ISH4 [REP5-027].</p> <ul style="list-style-type: none"> i. Modelling of discharges to the Tees Estuary and Dabholm Gut, and the conclusions of discussions between the parties have not been provided to the ExA. As this has implications for both the HRA and WFD assessments, this is now considered a matter of some urgency. ii. All – provide an update on the outcome of the Applicants' modelling of the effects on the estuary and subsequent discussions between the parties on this matter iii. EA – confirm whether or not you agree with the conclusion in REP5-027 that the foul effluent discharges to Marske-by-the-Sea will not affect nutrient neutrality. <p>All – update the position with respect to discharges to Dabholm Gut and discussions regarding <i>de minimis</i> levels.</p>	<p>The applicant has provided Natural England with a draft Water Quality Assessment, which we have provided comments on. We intend to continue working with the applicant on this matter.</p> <p>The applicant is yet to provide a nutrient nitrogen calculation for the project but Natural England understands that the draft Water Quality Assessment will feed into this calculation.</p> <p>Natural England has not been directly engaged in discussions around discharges to the Dabholm Gut and <i>de minimis</i> levels. We would welcome engagement on these matters.</p> <p>However, Natural England advises that there is not an established <i>de minimis</i> threshold for additional nitrogen entering the catchment of the Teesmouth and Cleveland Coast SPA/Ramsar. This is because an area of the SPA/Ramsar is currently in unfavourable condition due to excess nitrogen levels (Seal Sands is the affected area). In this context, even very small additional volumes of nitrogen increase the overall loading when considered in combination with other sources and the existing levels of nitrogen within the system.</p>

