

Date: 17 October 2022  
Our ref: 15431/393333  
Your ref: EN010103



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**BY EMAIL ONLY**

The Planning Inspectorate;

**EN010103 – Application by Net Zero Teesside Power Limited and Net Zero North SeaStorage Limited for an Order Granting Development Consent for the Net Zero Teesside Project**

**Issue Specific Hearing into Environmental Matters**

Natural England is aware that the Examining Authority requested our representation at the forthcoming Issue Specific Hearing 6 into Environmental Matters on 19 October 2022. However, Natural England is not able to attend. Nevertheless, we would like to provide an update to the Examining Authority on the outstanding issue to be agreed between the applicant and ourselves, impacts on water quality from discharges of nitrogen to the Tees Bay.

Natural England has continued to engage with the applicant to understand the likely impacts of the proposal's industrial effluent discharge to the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. Our outstanding concern has been around the potential for nitrogen, contained within the discharge, to exacerbate or cause eutrophication within the SPA/Ramsar that would negatively affect the supporting habitats and process relied on by its qualifying features.

At Deadline 9, the applicant provided a Nutrient Nitrogen Briefing Note (Document Reference: 9.36) and an updated Habitats Regulations Assessment (HRA) (Document Reference: 5.13). Natural England has reviewed both documents.

Natural England advises that the Planning Inspectorate, as the Competent Authority, should ensure they are satisfied that the modelling provided is robust and supports the conclusions. Natural England's advice is based on this.

There is the potential for water quality impacts on two areas of the SPA/Ramsar: Seal Sands and the Tees Bay. Please see below for our advice on this matter.

**Impacts on Seal Sands**

Natural England agrees that the modelling presented in the Nutrient Nitrogen Briefing Note demonstrates that additional nitrogen will not reach Seal Sands, which is the area of the SPA/Ramsar in unfavourable condition due to nitrogen enrichment. As such, the development would achieve nutrient neutrality. This is dependent on the implementation of either the design termed 'Option A' in the Briefing Note or a different design that would result in an equivalent or lower amount of nitrogen reaching Seal Sands.

The applicant has presented Natural England with a draft Requirement to secure this approach, titled 'Effluent Nutrient Nitrogen safeguarding scheme'. Subject to the HRA being updated to incorporate the proposed mitigation, secured by the draft Requirement at Stage 2 (Appropriate

Assessment) of the assessment, Natural England would support a conclusion of No Adverse Effects on Site Integrity for impacts on Seal Sands.

### **Impacts on Tees Bay**

The proposed discharge point for 'Option A' is within the Tees Bay and within the boundary of the SPA/Ramsar. However, it is not within the boundary of the area subject to Natural England's advice on nutrient neutrality, as shown on the relevant map of *European protected sites requiring nutrient neutrality strategic solution*, which was provided to all Competent Authorities on 16 March 2022. Therefore, the proposal is not required to demonstrate that it will be nutrient neutral for the Tees Bay.

Based on the evidence presented in the updated Habitats Regulations Assessment, Natural England agrees that any negative impacts are likely to be localised and inconsistent. Therefore, the discharge may, at worst, cause a temporary displacement of qualifying species within the Tees Bay but this would not constitute an Adverse Impact on the Site Integrity of the SPA/Ramsar.

Natural England notes that assessing Water Framework Directive compliance in the Tees Coastal water body is the responsibility of the Environment Agency and that a demonstration of compliance would provide further evidence that the integrity of the SPA/Ramsar is not affected by the Proposed Development.

### **Third Written Questions**

Natural England is aware that the Examining Authority has posed specific questions to ourselves in *The Examining Authority's third written questions and requests for information* and we will respond to them in due course.

Yours sincerely

Nick Lightfoot  
Senior Adviser – Northumbria Area Team  
Natural England