

From: [Muller, Antony](#)
To: [H2Teesside](#)
Subject: H2 Teesside - Written Representations
Date: 03 October 2024 18:36:14
Attachments: [REDACTED]

Dear H2 Teesside Team,

I attach our written representations including responses to the 1st round of the Examining Authority's questions. We anticipate potentially needing to submit further follow up information on seals (potential disturbance impacts at Greatham Creek HDD location). I also attach 2 items supporting our representations:

In combination assessment – project shortlist details (Supplementing information presented in Gantt Chart form at Annex A of our reps)

Additional information regarding breeding little terns to inform the applicant's updated air quality modelling and Report to inform HRA.

This responds to the applicant's request (via AECOM at meeting on 20.8.24) for Natural England information on the status and location of known breeding sites for the named species classified for the Teesmouth & Cleveland Coast SPA and Ramsar Site. In particular we draw the Examining authority, AECOM and H2T's attention to information for the Coatham location close to the main site, which indicates that records exist for 9 pairs (little tern) as recently as 2005.

Kind regards,

Antony

[Antony Muller](#) (he/him)

Senior Officer

Northumbria Area Team – Strategic Plans for Places

Mobile – [REDACTED]

<http://www.naturalengland.org.uk/>



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These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, reduce the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

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Date: 03 October 2024
Our ref: Case 26617
Your ref: **EN070009**



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The Planning Inspectorate

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BY EMAIL ONLY

Dear Sir or Madam,

NSIP Reference Name / Code: H2 Teesside/EN070009
User Code: H2TS-SP014

Written Representations

Examining Authority's submission deadline 03 October 2024

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 Antony Muller (██████████@naturalengland.org.uk) and copy to consultations@naturalengland.org.uk.

Yours faithfully

Northumbria Area Team

Natural England's Written Representations

PART I: Summary and conclusions of Natural England's advice.
PART II: Natural England's detailed advice (starting on page no. 4)
PART III: Natural England's response to the Examining Authority's (ExA's) first written questions (starting on page no. 48)
PART IV: Natural England's comments on the Development Consent Order (DCO) (starting on page no. 63)

Part I: Summary and conclusions of Natural England's advice

Summary of Natural England's advice

Natural England's advice is that, in relation to identified nature conservation issues within its remit, there is at present (please see 'note' below) no fundamental reason of principle why the project should not be permitted. However, Natural England considers that the applicant has provided insufficient evidence and is not yet satisfied that the following issues have been resolved:

- **Internationally and nationally designated sites**
- Proposed mitigation for impacts from 'HDD collapse' (SPA land) - Construction (Amber)
- Impacts from loss of Functionally Linked Land - Construction and Operation (Amber)
- Impacts from noise and visual disturbance – Construction (Amber)
- In combination disturbance impacts from multiple projects over multiple years – Construction (Amber)
- Impacts from dust (air quality) - Construction – (Amber)
- Impacts from amines and clarification of processes – Operation (Amber)
- Impacts from nitrogen deposition – Operation (Amber)
- Impacts from acid deposition – Operation (Amber)
- In combination impacts of nitrogen deposition from aerial emissions - Construction and Operation (Amber)
- Impacts from nutrients in discharged effluent (water quality) - Operation (Amber)

Note - Information remains outstanding regarding ornithology, air and water quality, including the temporal overlap between a number of the neighbouring schemes. As a result Natural England do not yet fully understand the impacts of this development on the designated site. Natural England may have further or additional points to make, particularly if further information becomes available.

- **Internationally and nationally designated sites**
- Impacts from aerial emissions (construction traffic) - Construction (Green)
- Impacts on water quality from surface water run off/drainage - Construction and Operation - (Green)

Please refer to Part 2 of Natural England's Written Representations (Version 1.1, dated 03.10.2024) below for our detailed advice

- **Protected Species**
- Further information is required to determine that the project will not adversely affect bat species and water vole ('Amber').
- **Soils and best and most versatile land**

- Impacts from loss of soils resources - Construction (Amber)

We welcome the further information provided by the Applicant since submission of our Relevant Representations (**RR-026**) (Version 1.0, dated 01 July 2024) and consider that the following issues have now been resolved, subject to the completion of agreed revisions to the Habitats Regulations Assessment (HRA) for internationally designated sites issues, and subject always to the appropriate requirements being adequately secured for all relevant issues:

- **Air quality**
 - Assessment of aerial emissions (Construction traffic/machinery) - Teesmouth & Cleveland Coast SPA/Ramsar Site and SSSI - NE11
- **Air quality**
 - Nitrogen deposition impacts on qualifying species of the Northumbria Coast SPA/Ramsar Site and SSSI
- **Water quality**
 - Evidence base for assessment – Teesmouth & Cleveland Coast SPA/Ramsar Site and SSSI.
- **Water quality**
 - Surface water run off impacts – Teesmouth & Cleveland Coast SPA/Ramsar Site and SSSI.
- **Disturbance**
 - Disturbance to migratory fish designated as features of the River Tweed SAC and Tweed Estuary SAC

1.1 Part I of these Written Representations provides a summary (above) and overall conclusions of Natural England’s advice. This advice identifies whether any progress in resolving issues has been made since submission of our Relevant Representations (**RR026**). Our comments are set out against the following sub-headings which represent our key areas of remit as follows:

- 2.1 International designated sites
- 2.2 Nationally designated sites
- 2.3 Protected species
- 2.4 Biodiversity net gain
- 2.5 Nationally designated landscapes
- 2.6 Soils and best and most versatile agricultural land
- 2.7 Connecting people with nature (National Trails, open access land and England Coast Path)

1.2 Our comments are flagged as red, amber or green:

- **Red** are those where there are fundamental concerns which it may not be possible to overcome in their current form
- **Amber** are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy.
- **Green** are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured)

1.3 Natural England has continued to work closely with H2 Teesside Ltd since submission of our Relevant Representations.

- 1.3.1 We have continued in dialogue with the applicant following submission of our relevant representations (**RR-026**). The applicant has shared with us a draft Statement of Common Ground and we will continue in dialogue to progress this and seek to resolve outstanding concerns throughout the examination. Natural England advises that the matters indicated as 'red' and 'amber' will require consideration by the Examining Authority during the examination.
- 1.3.2 Failing satisfactory agreement, Natural England advises that the matters set out in Part II will require consideration by the Examining Authority as part of the examination process.

Part II - Natural England's detailed advice

Internationally designated sites

2.1 Natural England's position regarding internationally designated sites **has not** changed since submission of our Relevant Representations (**RR026**)

- 2.1.1 Our position regarding impacts on internationally designated sites is substantially as set out in our Relevant Representations (**RR026**). Further detail on our reasoning for this is given against each impact pathway within our Written Representations Part II.
- 2.1.2 Where applicable our updated advice regarding impacts on internationally designated sites on the basis of further information submitted is set out below. Further detail on our reasoning for this is given against each impact pathway within Part II.
- 2.1.3 Natural England is not yet satisfied for 'amber' issues identified below that it can be ascertained beyond reasonable scientific doubt that the project would not have an adverse effect on the integrity of the following internationally designated sites:
1. Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar
 2. North York Moors SPA/Special Area of Conservation (SAC)

2.1.4 Further information is required to assess the following impact pathways:

2.1.4.1 Air Quality

- Impacts of acid deposition from aerial emissions (Construction and Operation) – **amber**
- In-combination impacts of nitrogen deposition from aerial emissions (Operation) – **amber**
- Impact of amines from aerial emissions (Operation) – **amber**
- Consideration of sites used to inform in-combination assessment, and resulting conclusion unclear (Construction and Operation) – **amber**

- Potential sources of air emissions appear to be excluded from the assessments (Construction and Operation) – **amber**
- Clarification required regarding scope of emissions from main site (Construction and Operation) – **amber**
- Impact from emissions during 4-year major overhaul – **amber**

2.1.4.2 Ornithology

- Impact from aerial emissions on designated bird assemblages (Construction and Operation) – **amber**
- Disturbance to designated bird assemblages, alone and in-combination (Construction) – **amber**
- Impacts to Functionally Linked Land, alone and in-combination (Construction and Operation) – **amber**
- Direct loss of habitat in the event of Horizontal Directional Drilling (HDD) collapse (Construction) – **amber**

2.1.4.3 Water Quality

- Impacts of nutrient enrichment from effluent (Operation) – **amber**
- Impact of amines from aerial emissions (Operation) – **amber**
- Clarification regarding proposed discharge of removed contaminants from process water (Operation) – **amber**
- Ecotoxicological impacts from effluent discharges (Operation) – **amber**

2.1.4.4 Estuary and Marine

- Impacts from increased scour and sedimentation to intertidal sedimentary habitats as a result of increased runoff (Operation) – **amber**
- Impacts to Harbour Seal population (Construction and Operation) – **amber**

2.1.4.5 In-combination and Cumulative effects

- Uncertainty over timing of neighbouring projects and scope for project overlap ('temporal overlap'). – **amber**
- Number of projects potentially acting in combination and cumulatively over an extended period of years. – **amber**
- Critical role of the H2 Teesside project as a producer and supplier of hydrogen for local industry, but which, in turn, is reliant on the consented Net Zero Teesside scheme in relation to carbon capture and storage. – **amber**

2.1.5 Natural England is satisfied that 'green' issues are unlikely to result in adverse effects on the integrity of the following internationally designated sites, subject always to the appropriate mitigation/compensation as outlined in the application documents being adequately secured:

2.1.5.1 Air quality - Impacts from ammonia not considered in assessment of traffic emissions (Construction and Operation) – **Green**

2.1.5.2 Water quality - Impacts from mobilisation of sediment and nutrients (Construction) – **Green**

2.1.5.3 River Tweed Special Area of Conservation (SAC) and Tweed Estuary SAC – Migratory fish (Atlantic Salmon and Sea Lamprey - Natural England agrees with the Report to inform HRA's 'no adverse effect on integrity' conclusion subject to securing a suitable requirement for the proposed Lighting Strategy (APP038 & 046 Indicative Lighting Strategy docs for operation and construction phases respectively) - **Green**

Nationally designated sites

2.2 Natural England's position regarding nationally designated sites has not changed since submission of our Relevant Representations (**RR-026**).

2.2.1 Our position regarding impacts on the nationally designated sites listed below is as set out in our Relevant Representations (**RR-026**). Further detail on our reasoning for this is given against each impact pathway within our Written Representations Part II.

1. Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI),
2. Lovell Hill Pools SSSI
3. North York Moors SSSI
4. Saltburn Gill SSSI
5. Durham Coast SSSI
6. Hart Bog SSSI

2.2.2 For all of the listed SSSI the air quality impacts theme applies, specifically:

- In-combination impacts of nitrogen deposition from aerial emissions (Operation) – **amber**

2.2.3 For the Teesmouth & Cleveland Coast SSSI the following additional impacts pathways are relevant:

- Impact of amines from aerial emissions (Operation) – **amber**
- Clarification required regarding scope of emissions from main site (Construction and Operation) – **amber**
- Impact from emissions during 4-year major overhaul – **amber**

Protected species

2.3 Natural England's position regarding European protected species has not changed since submission of our Relevant Representations (**RR-026**).

- 2.3.1 Our position regarding impacts on protected species is as set out in our Relevant Representations (**RR-026**). Further detail on our reasoning for this is given for each species within our Written Representations Part II.
- 2.3.2 Natural England is still awaiting submission of draft protected species licence applications for review.

Biodiversity Net Gain Provision

- 2.4 Natural England's position regarding provision of biodiversity net gain (BNG) has not changed since submission of our Relevant Representations (**RR-026**).
 - 2.4.1 Although BNG is not yet a mandatory requirement for NSIPs, we strongly recommend that BNG provision is secured through this development. We recognise that the applicant has committed to "no net loss" (**2.1.35, EN070009/APP/5.9**) and welcome the ambition to secure a qualitative net gain for biodiversity through partnership and stakeholder engagement

Soils and best and most versatile agricultural land

- 2.5 Natural England's position regarding soils and the best and most versatile agricultural land has not changed since submission of our Relevant Representations (**RR-026**).
 - 2.5.1 Our position regarding soils and best and most versatile agricultural land is as set out in our Relevant Representations (**RR-026**). Further detail on our reasoning to support our Relevant Representations is set out in our Written Representations Part II.
 - 2.5.2 Land required for the pipeline corridors and other infrastructure, should be made clear, including the area of soil to be temporarily disturbed and its Agricultural Land Classification (ALC) Grade.
 - 2.5.3 Detailed, site-specific ALC survey data is required to determine the baseline for mitigation

Connecting people with nature (National Trails, open access land and England Coast Path)

- 2.6 Natural England's advice regarding the King Charles III England Coast Path has not changed since submission of our Relevant Representations (**RR-026**).

Natural England's overall conclusions

- 2.7 The main issues raised by this application are set out below. All are scored as 'Amber' at the current time. We draw the examining Authority's attention to the in combination and cumulative impacts theme. Together with the novel technology status of the project these themes introduce a degree of uncertainty in terms of the evidence base and ecological impact pathways. As a result Natural England may have further or additional points to make, particularly if further information becomes available:
- 2.8 Impacts to designated sites from aerial emissions:

2.8.1 Natural England does not agree with the applicant's conclusion of No Adverse Effect on Integrity (AEOI) when considering the impacts to designated sites from aerial emissions. Further assessment of ammonia and acid emissions from traffic is awaited (Ref NE10). Natural England now agrees that the standard mitigation proposed by the applicant to reduce impacts from deposition of dust and contaminants, during both construction and operation, is adequately demonstrated as sufficient (Ref: NE9) We advise that further assessment of the impacts from operational aerial emissions is completed in line with our advice in Part II, before appropriate monitoring and mitigation measures can be identified and agreed (Refs: NE12, NE17). The approach to assessment of impacts from construction phase aerial emissions has now been adequately addressed (NE11) and the application of the Rochdale Envelope has been demonstrated as satisfactory (NE13).

2.9 Impacts to designated sites from surface water runoff, effluent discharge, aerial emissions and reduced water availability:

2.9.1 Natural England advise that further specific information is required regarding the treatment, pathways and composition of effluent streams (both aerial and liquid) before we can agree with the conclusion of No AEOI (Ref: NE18, NE20, NE21, NE23) These impacts remain to be assessed alongside any exacerbating effects of reduced water availability before any mitigation measures can be identified and agreed.

2.9.2 Note – Following further dialogue Natural England is satisfied that the applicant has demonstrated the pathways and potential impacts from materials entrained in run-off during construction and operation, so as to satisfactorily address ecotoxicological and morphological impacts to the SPA habitat (Ref: NE22). Similarly the water quality assessment methodology has been demonstrated to be satisfactory (NE21) These representations are now ranked as 'Green'.

2.10 Impacts to Teesmouth and Cleveland Coast SPA/Ramsar/SSSI and Functionally Linked Land (FLL):

2.10.1 Natural England disagree with the applicant's methodology when considering impacts from the development on protected bird species and assemblages, and therefore cannot agree with the applicant's conclusion of No AEOI as presented in the Report to Inform an HRA (Planning Inspectorate reference: EN070009/APP/5.10). Furthermore, Natural England consider that the visual impacts from the proposed development require further investigation and advise that further assessment should be carried out in line with our suggestions in our relevant representations (**RR-026**) and Part II of this letter (Refs: NE2, NE4, NE5, NE6, NE7 & NE8), with appropriate mitigation or compensation measures outlined to address any projected impacts.

2.10.2 The scale of the loss of FLL is unclear. Natural England advise (Ref: NE3) that the scale, permanence, and function of the FLL to be lost through pipeline construction is outlined, accompanied with a phasing plan for restoration detailing appropriate mitigation and monitoring. Additionally, although direct loss of habitat from the Teesmouth and Cleveland Coast SPA is to be avoided by utilising Horizontal Directional Drilling (HDD), there remains the potential for direct loss of habitat in the event of HDD collapse. This scenario needs to be considered as part of a robust mitigation/compensation plan (Ref: NE1).

2.10.3 Impacts to designated features from novel technologies, and in-combination/cumulative impacts from wider Teesside cluster unknown:

2.10.4 At present, as there is outstanding information particularly regarding ornithology, air and water quality including the temporal overlap between a number of the neighbouring schemes, Natural England do not yet fully understand the impacts of this development on the designated site. We have submitted information illustrating the nature of this issue in Annex A (Gantt Chart) and offered associated responses to ExA Questions Q1.3.9 & Q1.4.14. Natural England may have further or additional points to make, particularly if further information becomes available.

Natural England's Written Representations

Part II: Natural England's detailed advice

Part II of these Representations updates and where necessary augments Part II of the Relevant Representations. It expands upon the detail of all the significant issues ('red' and 'amber' issues) which, in our view remain outstanding and includes our advice on pathways to their resolution where possible. Part II also shows 'green' issues which have been agreed since our Relevant Representations (RR-026) (subject always to the appropriate requirements being secured adequately).

Natural England will continue engaging with the applicant to seek to resolve these concerns throughout the examination. Natural England advises that the matters indicated as 'red' and 'amber' will require consideration by the Examining Authority during the examination.

Natural England's Written Representations, Part II, Table 1

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber/Green
International designated sites						
NE1	International designated sites	Teesmouth and Cleveland Coast SPA (C and O) Direct Loss of SPA habitat HDD	At this stage, Natural England's position broadly remains as set out in our Relevant Representations. Discussions with the Applicant are ongoing on this matter. Natural England are waiting for an updated framework CEMP to reflect 'lessons learned' from the NZT 'frac out' provisions, which	Mitigation measures	Framework CEMP to provide for measures to avoid and/or mitigate any 'frac out' incident including contingency measures should an incident occur	AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amb er/Green
		(C)	<p>is currently being prepared by the Applicant.</p> <p>Pending receipt of the revised fCEMP we would add the following provisions, consistent with our Statement of Common Ground for the NZT project, as follows:</p> <p>If a frac out were to occur within the designated site, Natural England would expect to be notified and that the clean-up be agreed in consultation with Natural England. This is because in some cases the clean-up itself can create an impact and we would like to avoid this.</p> <p>Access routes to the intertidal should be agreed ahead of the use of any equipment (i.e.</p>			

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Ambler/Green
			<p>tractor) mobilising, ensuring sensitive features are not impacted.</p> <p>Regarding soils (Soil resources and Best and Most Versatile land) we can confirm that we do not anticipate the HDD part of the scheme resulting in material impacts on soils resources.</p>			
NE2	International designated sites	<p>Teesmouth and Cleveland Coast SPA</p> <p>(C & O)</p> <p>Assessment of significance of impacts on SPA bird populations</p>	<p>At this stage, Natural England's position broadly remains as set out in our Relevant Representations.</p> <p>Discussions with the Applicant are ongoing on this matter. Natural England are waiting for an updated Report to inform HRA to reflect a review of the bird survey data. This is currently being prepared by the Applicant.</p>	N/A - Further information required to inform mitigation		AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amb er/Green
			In addition we anticipate the need for an explicit consideration of the scheme's work phases in order to assess satisfactorily the potential for impacts on the SPA's classified bird species.			
NE3	International designated sites	<p>Teesmouth and Cleveland Coast SPA</p> <p>(C & O)</p> <p>Loss of functionally linked land – temporary and permanent</p>	<p>At this stage, Natural England's position broadly remains as set out in our Relevant Representations.</p> <p>Discussions with the Applicant are ongoing on this matter. Natural England understands that bird survey data is available to address this point.</p> <p>The Report to inform HRA should be revised accordingly.</p>	N/A - Further information required to inform mitigation		AMBER

Table 1: Natural England’s detailed advice

NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amb er/Green
NE4	International designated sites	<p>Teesmouth and Cleveland Coast SPA</p> <p>Noise disturbance during Construction and operation on qualifying SPA / Ramsar bird species.</p> <p>(C and O)</p> <p>Use of IECS toolkit</p>	<p>At this stage, Natural England’s position broadly remains as set out in our Relevant Representations.</p> <p>Discussions with the Applicant are ongoing on this matter.</p> <p>Please refer to NE5 below for more detailed explanation of the approach needed to measure and assess noise arising from the project.</p>	N/A - Further information awaited in relation to NE5		AMBER
NE5	International designated sites	<p>Teesmouth and Cleveland Coast SPA</p> <p>Noise disturbance</p>	At this stage, Natural England’s position broadly remains as set out in our Relevant Representations.	N/A - Further information awaited		AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amb er/Green
		of SPA bird populations (C and O)	Discussions with the Applicant are ongoing on this matter. When assessing noise disturbance thresholds, it is imperative to note the type of measurement, otherwise the decibel level is somewhat meaningless. The appropriate threshold is a 55-70 db LA _{max} . Measurement of a maximum level is necessary to assess the loud bangs and impulsive noise that can disturb non-breeding waterbirds during construction and operation. If not clarified, the level stated is likely to be an average, which could mask potentially damaging effects of noise on birds.			
NE6	International designated sites	Teesmouth and Cleveland Coast SPA	At this stage, Natural England's position remains as set out in our Relevant Representations. Note that this representation is linked with NE7 and NE8 due to	N/A – further information required		AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amb er/Green
		Visual disturbance of SPA bird populations (C)	the cumulative effects of visual and noise impacts pathways.	Mitigation/ compensation - depending on revised assessment		
NE7	International designated sites	Teesmouth and Cleveland Coast SPA (O) Visual disturbance of SPA bird populations	At this stage, Natural England's position remains as set out in our Relevant Representations.	N/A - Further information required Mitigation/ compensation -depending on revised assessment		AMBER
NE8	International designated sites	Teesmouth and Cleveland Coast SPA	At this stage, Natural England's position broadly remains as set out in our Relevant Representations.	N/A - Further information required to inform mitigation		AMBER

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		(C) Loss of sightlines for SPA birds	Discussions with the Applicant are ongoing on this matter. The applicant has undertaken to review the building layout and to illustrate the vertical scale of the main site buildings in relation to Blast Furnace Pool to inform assessment of the scheme's impacts.			
NE9	International designated sites	Teesmouth and Cleveland Coast SPA (C) Air quality emissions Use of management plans to mitigate impacts Dust	At this stage, Natural England's position remains as set out in our Relevant Representations. Without mitigation there could be a potential significant/ adverse effect on the Teesmouth and Cleveland Coast SSSI/SPA/Ramsar Site, as a result of construction dust. It is accepted that standard dust management techniques are generally effective at minimising dust beyond the site boundary. However, as the protected sites are very close/ adjacent to the site boundary, it is not accepted	Mitigation	Requirement to ensure Final CEMP provides suitable mitigation measures	AMBER

Table 1: Natural England's detailed advice						
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			<p>that measures designed for protection of human health would automatically protect sensitive ecosystems, given the different mechanisms of impact and the differential proximity. Demolition dust mitigation works within the fCEMP and PPW CEMP are likely to be generic, but as long as justification is provided that there will be no impact on the integrity of the protected sites, it is considered appropriate to rely on these as compliance with the CEMPs will form part of the DCO consent. As well as the mitigation, monitoring of dust is proposed/committed in Table 9.1 of the Framework CEMP. Therefore it is accepted that construction dust would not result in an AEOL to the Teesmouth protected sites as long as ecological receptors are included in the monitoring scheme and there is a mechanism to ensure any dust</p>			

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NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber/Green
			beyond the site boundary is mitigated (by cessation of works in that area if necessary).			
NE10	International designated sites	<p>Teesmouth and Cleveland Coast SPA (C)</p> <p>Air quality emissions</p> <p>Consideration of ammonia and acid deposition in the traffic assessment</p> <p>Traffic</p>	<p>At this stage, Natural England's position broadly remains as set out in our Relevant Representations.</p> <p>Discussions with the Applicant are ongoing on this matter. It is noted and welcomed that ammonia concentrations will be reported and included in the updated Report to Inform the HRA. It is understood that CREAM will be updated late Summer 2024 so the version used should be noted.</p> <p>Comments on tern and avocet locations are noted and accepted, but the arguments for the broad habitat structure rather than subtle changes in botanical composition being</p>	N/A - Further information awaited		AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amb er/Green
			relevant should be included clearly in the summary table. Natural England agrees that the assessment of construction traffic emissions should be introduced earlier for clarity.			
NE12	International designated sites	Teesmouth and Cleveland Coast SPA (O) Air quality emissions Scope of pollutants considered in the assessment	At this stage, Natural England's position broadly remains as set out in our Relevant Representations. Discussions with the Applicant are ongoing on this matter. It is accepted that the environmental permit will address emissions, including fugitive emissions but this will not cover the entire red line boundary, including e.g. traffic emissions – and the full extent of emissions should be considered in the DCO application, not wait for the environmental permit, as otherwise there cannot be sufficient confidence that there	N/A - Further information required		AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber/Green
			<p>will not be harm to the protected sites.</p> <p>It is acknowledged that further information on ammonia from traffic and operational emissions (as in our RR questions) will be provided, and used to inform updates to the HRA. NE will comment on these when available.</p> <p>Further information should also be provided on the “closed loop” carbon capture process, including the treatment of any amine rich wastes. Any offsite treatment should be noted, and impacts considered.</p>			
NE13	International designated sites	Clarification of parameters in the Rochdale Envelope (O)	Following discussion with the applicant NE accepts that the approach used is acceptable to establish a reasonable worst case in terms of the stack height, and that relevant ecological sites were considered	N/A - Further information required		AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amb er/Green
NE14	International designated sites	Clarification of the in combination assessment process (C,O)	At this stage, Natural England's position remains as set out in our Relevant Representations. Discussions with the Applicant are ongoing on this matter. We await a revised Report to Inform HRA.	N/A - Further information required		AMBER
NE15	International designated sites	Process followed in the HRA (C & O)	Discussions with the Applicant are ongoing on this matter. Assuming the information requested is provided in the updated HRA report, NE would be content with the methodology. We will review the assessment when provided.	N/A - Further information required		AMBER
NE16	International designated sites	Use of management plans to mitigate impacts (C & O)	At this stage, Natural England's position remains as set out in our Relevant Representations.	Mitigation	Requirement to ensure Final CEMP makes provision for suitable mitigation measures	AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber/Green
NE17	International designated sites	<p>Teesmouth and Cleveland Coast SPA/Ramsar Site</p> <p>(O)</p> <p>Air Quality</p>	<p>At this stage, Natural England's position broadly remains as set out in our Relevant Representations. Discussions with the Applicant are ongoing on this matter.</p> <p>Although the points made relating to historic nitrogen levels are relevant, it must be recognised that levels are still above the critical load, and therefore the protected site is at risk of harm – even if historic levels were higher. The decline of <1kgN/ha/yr over 20 years indicates levels are still high with no rapid decline in nitrogen levels, and in-combination projects in the Teesside area coming forward are a risk to this slow decline.</p> <p>It is accepted that the impact of air pollution on the SPA will depend on the impacts on the bird qualifying features – largely</p>	N/A - Further information required		AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amb er/Green
			<p>as a result of ensuring vegetation encroachment does not adversely affect the nest sites. This argument can be made in the appropriate assessment, alongside the consideration of historic nesting locations as proposed.</p> <p>NE will review the updated shadow HRA when available. The location of the qualifying features of the SPA are relevant in establishing whether the conservation objectives are undermined. An in combination PC of <1% is sufficient to conclude no LSE and therefore no AEOI.</p> <p>We attach separately a map illustrating breeding site record for It terns close to the main site to inform the applicant's updated air quality modelling and Report to inform HRA.</p>			

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber/Green
NE18	International designated sites	<p>Teesmouth & Cleveland Coast SPA and Ramsar Site</p> <p>(O)</p> <p>Ecotoxicology</p> <p>- General comments and further information required in relation to air and water contaminants beyond those assessed and supplied in the AQ and WQ ES and supplementary</p>	<p>Discussions with the Applicant are ongoing on this matter.</p> <p>It is understood by NE that the modelling done shows rapid dilution of pollutants in vicinity of the discharge points. This results in no further requirement for the modelling of contaminants partitioning into sediment. If the current assessment excludes the possibility of build-up of discharged toxic substances in sediments in the vicinity of the discharge point concerns are resolved. If not, further evidence should be presented to demonstrate no accumulation of toxic substances in sediments in the vicinity of discharge points.</p>	N/A - Further information required to inform mitigation		AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Ambler/Green
		documentation.				
NE19	International designated sites	<p>Teesmouth and Cleveland Coast SPA/Ramsar Site</p> <p>(C and O)</p> <p>In combination assessment</p>	<p>At this stage, Natural England's position remains as set out in our Relevant Representations.</p> <p>We note the applicant and ExA's request (relevant ExA Q ref) for clarification on the information we seek.</p> <p>Natural England offers a copy of construction phase overlap in Gantt chart format for context at Annex A</p> <p>Further information sought =</p> <p>Boundaries of schemes with temporal overlap (construction phase) relative to SPA/Ramsar Site – Reason – To illustrate proximity</p> <p>Consideration of bird spp records (breeding,</p>	N/A - Further information required		AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber/Green
			<p>roosting and feeding locations) relative to scheme works phases</p> <p>Consideration of impact pathways and resulting impacts through time for relevant schemes – to include numbers of birds likely to be affected by the project alone and in combination.</p>			
NE20	International designated sites	<p>Teesmouth and Cleveland Coast SPA/Ramsar Site</p> <p>(O)</p> <p>Water quality</p> <p>Nutrient Neutrality Assessment</p>	<p>Discussions with the Applicant are ongoing on this matter.</p> <p>If Case 1B were to be progressed (accepting this is unlikely), we would need to understand where the Minimalised Liquid Discharge waste would be disposed of to ensure there would be no impact to the catchment.</p>	Confirmation required	Requirement needed to cover both options (Case 1b and Case 2b) and actions needed for each.	AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber/Green
			<p>NE accept that Case 2B is to be taken forward as modelling has shown Nitrogen is unlikely re-enter the estuary.</p> <p>However for Case 2B, two aspects should be considered: impact to the Tees transitional waterbody (high nutrients), where inputs must not cause an increase, and impact on the Tees Bay itself (favourable for nutrients). Although the focus has been on Seal Sands as the sensitive area NE would want to be confident that the new discharge would not impact condition in the Tees Bay. The modelling data shows that the mixing is sufficient to protect against this, but it would be helpful to explain in the Relevant Representations response.</p>			

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber/Green
NE23	International designated sites	<p>Teesmouth and Cleveland Coast SPA/Ramsar Site</p> <p>(O)</p> <p>Water Quality</p> <p>Discharged effluent</p>	<p>Discussions with the Applicant are ongoing on this matter.</p> <p>If a project contributes nutrients and these nutrients are mitigated so made nutrient neutral, then there will be no remaining nutrient impact to consider in combination. We do not believe that for this specific project Nutrient Neutrality is triggered, as adverse effects are ruled out via other routes in the Report to inform HRA where in combination effects do still need to be considered e.g. to ensure that the combined effluent discharge does not change whether the nutrients end up in the Tees estuary, or whether the combined discharge may cause the Tees Bay to become in unfavourable condition. The Water Quality modelling report does include the combined</p>	Mitigation	Consistent with NE20 (Nutrient Neutrality) - Provision to be made for suitable mitigation measures in Final CEMP	AMBER/GREEN

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber/Green
			component, but Natural England would welcome clarification of this within the Relevant Representations response.			
NE24	International designated sites	North York Moors SPA and SAC (O) Air quality Impact of acid deposition	At this stage, Natural England's position remains as set out in our Relevant Representations. Discussions with the Applicant are ongoing on this matter. NE will review the revised Report to inform HRA when available. In principle, there is no lower level at which a project may not result in an in-combination impact to a protected site. However, given the distance and differential impacts from other in-combination projects, it is accepted that the impact could be negligible in practice – subject to review of the revised shadow HRA.	N/A - Further information required		AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber/Green
NE26	International designated sites	<p>North Northumberland Coast SAC,</p> <p>The Humber Estuary SAC and</p> <p>the Wash and North Norfolk Coast SAC).</p> <p>Noise disturbance –</p> <p>Seals</p> <p>(C and O)</p>	<p>Discussions with the Applicant are ongoing on this matter.</p> <p>Following a conversation with AECOM, Natural England advises that provided HDD operations last no longer than 3 weeks in October, and noise abatement barriers reduce noise by 10dB, there is unlikely to be a significant impact on the seal population of the Teesmouth and Cleveland Coast SSSI from the HDD works at Greatham Creek. Natural England would welcome securing these mitigations through conditions to any licence granted.</p> <p>Natural England's advice remains that pre-construction monitoring is carried out to assess the behaviour of seals in the area under "normal" conditions. Further monitoring should be carried out during</p>	N/A - Further information required to inform mitigation		AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Ambler/Green
			construction to assess the efficacy of mitigation measures. If behaviour indicating disturbance is noted, further mitigation must be put in place. This may include more effective sound barriers, further muffling of machinery. If monitoring shows that disturbance is not occurring, further mitigation is unlikely to be necessary.			
National designated sites (biodiversity and geodiversity)						
NE28	National designated sites (biodiversity & geodiversity)	Teesmouth & Cleveland Coast SSSI and National Nature Reserve Consideration of ammonia and acid deposition in the traffic assessment	Discussions with the Applicant are ongoing on this matter. It is noted and welcomed that ammonia concentrations will be reported and included in the updated SSSI assessment. It is understood that CREAM will be updated late Summer 2024 so the version used should be noted. Comments on tern and avocet locations are noted and accepted, but the arguments for the broad habitat structure	N/A - Further information required		

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amb er/Green
		(C,O)	rather than subtle changes in botanical composition being relevant should be included clearly in the summary table. NE agrees that the assessment of construction traffic emissions should be introduced earlier for clarity.			
NE29	National designated sites (biodiversity & geodiversity)	Air Quality Teesmouth & Cleveland Coast SSSI and National Nature Reserve Scope of pollutants considered in the construction and operational assessments (C, O)	No significant impacts are anticipated for the national designated sites listed. It is accepted that NRMM sources were considered, but were not within 200m of nesting sites (from the site boundary at the theoretical closest points) - assuming the nesting site locations etc are included in the ES no further assessment for AQ is required. It is also acknowledged that traffic numbers for tree planting/ landscaping would be <1000AADT/ 200AADT HDV and therefore no assessment of	N/A - Further information required		AMBER/ GREEN

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber/Green
			traffic air quality impacts arising from these works are necessary. Demolition dust mitigation works within the FCEMP and PPW CEMP are likely to be generic, but as long as justification is provided that there will be no impact on the integrity of the protected sites, it is considered appropriate to rely on these as compliance with the CEMPs will form part of the DCO consent.			
NE31	National designated sites (biodiversity & geodiversity)	Teessmouth & Cleveland Coast SSSI and National Nature Reserve Air Quality Impact of pollutants at SSSIs including SSSIs	At this stage, Natural England's position broadly remains as set out in our Relevant Representations. Discussions with the Applicant are ongoing on this matter. Update on NE17 (above) refers Comments are as for NE24 - it is accepted that the contribution of H2Teesside to an in-combination impact of >1% may	N/A - Further information required		AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amber/Green
		underlying European designations (C, O)	be negligible, but this argument requires to be made in the shadow HRA. The comments on Ndep at the SSSI are the same as for NE17 – the site is still exceeding its critical load, and the proposed development is adding to this. There has been a <1kgN/ha/yr decline in Ndep over approximately 20 years, and the applicant would need to justify that the proposed development would not undermine any environmental improvement in recent years..			
Protected species						
NE32	Protected Species	Bats (C and O)	At this stage, Natural England's comments in our relevant representation still stands. Due to the presence of bats detected during the activity surveys, the knowledge that these species are known to roost in trees, and			AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amb/ Green
			in the absence of being able to fully inspect the trees from the ground Natural England would expect further justification and evidence as to their unsuitability. As the trees are unsafe to climb and given the access limitations described, evidence could be gained through emergence surveys to support the assessment that they are unlikely to support roosting bats. Discussions with the Applicant are ongoing on this matter.			
NE33	Protected Species	Water Vole (C)	At this stage, Natural England acknowledges that impacts to water voles and their habitat will be avoided wherever possible and welcomes the inclusion of pre-construction surveys will be conducted. Natural England's comment regarding the level of survey that is required to inform			AMBER

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Ambler/Green
			a licence plication (should one be required) still stands. Discussions with the Applicant are ongoing on this matter.			
Biodiversity net gain						
NE34	BNG	Biodiversity Net Gain (BNG) - No BNG provision (C)	At this stage, Natural England's position remains as set out in our Relevant Representations. Discussions with the Applicant are ongoing on this matter.			
Soils and best and most versatile agricultural land						
NE35	Soils and best and most versatile land	Assessment evidence base and scope for rehabilitation (C)	At this stage, Natural England's position remains as set out in our Relevant Representations.			
Connecting people with nature (National Trails, open access land and England Coast Path)						
NE36		King Charles III England Coast Path User	At this stage, Natural England's position remains as set out in our Relevant Representations.			

Table 1: Natural England's detailed advice						
NE key issue ref	Topic	Issue summary (C) – construction phase (O) – operational phase	NE commentary and advice on further details about the project to enable assessment or further evidence/assessment work required	NE comment on mechanism for securing resolution, e.g. mitigation/compensation	Matters that must be secured in the DCO (with DCO/DML or omission ref as applicable)	Risk Red/Amb er/Green
		experience impacts				

GREEN RISK						
NE11	International designated sites	Teesmouth and Cleveland Coast SPA (C) Air quality emissions Scope of pollutants considered in the construction assessment	No significant impacts are anticipated for the international designated sites listed. It is accepted that NRMM sources were considered, but were not within 200m of nesting sites (from the site boundary at the theoretical closest points) - assuming the nesting site locations etc are included in the HRA no further assessment for AQ is required. It is also acknowledged that traffic numbers for tree planting/landscaping would be <1000AADT/ 200AADT HDV and therefore no assessment of traffic air quality impacts arising from these works are necessary. Demolition dust mitigation works within the fCEMP and PPW CEMP are likely to be generic, but as long as justification is provided	Mitigation	FCEMP and PPW CEMP	GREEN

			that there will be no impact on the integrity of the protected sites, it is considered appropriate to rely on these as compliance with the CEMPs will form part of the DCO consent			
NE21	International designated sites	<p>Teesmouth and Cleveland Coast SPA/Ramsar Site</p> <p>(C)</p> <p>Water Quality</p> <p>Environmental Impact</p> <p>Assessment evidence base</p>	<p>We have had discussions with the Applicant on this matter and concluded that no significant impacts are anticipated for the international designated sites listed.</p> <p>This is based on the following written response:</p> <p>“The monitoring of opportunistic macroalgae in the Tees Estuary transitional waterbody (including the Seal Sands area) is noted, along with the fact that this informs the macroalgae WFD element and Natural England's condition assessment for nutrients in the site and ‘restore’ conservation objective. Nevertheless, the Water Framework Directive Assessment (APP-048) has considered the macroalgae WFD element in the Tees transitional water body, and the assessment demonstrates</p>	N/A		GREEN

		<p>that there would be no deterioration or prevention in future improvement in this element (as well as all other WFD elements) in the Tees water body as a result of the Proposed Development.”</p> <p>Where macroalgae was referred to in paragraph 9.4.70 of the baseline of ES Vol I Chapter 9 Surface Water, Flood Risk and Water Resources (APP-061), this was part of an overview of marine ecology that is used to support the determination of receptor importance. On the basis of the baseline information as a whole, both the River Tees (Tees transitional WFD water body) and Tees Bay (Tees Coastal WFD water body) have been given the highest receptor importance available for the water quality and resources assessment, which is 'Very high importance' (see Table 9-17). However, it should be noted that Chapter 9 does not assess impacts to marine ecological receptors which are considered in Chapter ES Vol I Chapter 14 Marine Ecology (APP-067) and also in the Water Framework Directive Assessment</p>			
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			(APP-048), as mentioned above. To reiterate, the WFD assessment reports no deterioration from current WFD status (including macroalgae), and appropriate mitigation is included in the proposed development design to ensure that this is the case, for instance through appropriate treatment of potential effluent to ensure that no additional nutrients would enter the Tees Estuary.”			
NE22	International designated sites	<p>Teesmouth and Cleveland Coast SPA/Ramsar Site</p> <p>(C)</p> <p>Water Quality</p> <p>Surface water run off impacts</p>	<p>We have had discussions with the Applicant on this matter.</p> <p>No significant impacts are anticipated for the international designated sites listed.</p> <p>This is based on the following written response:</p> <p>“The potential impacts identified during construction in Chapter 9 Surface Water, Flood Risk and Water Resources (APP-061) are considered to be temporary and short-term impacts to water quality given the mitigation that has been outlined for the construction phase. An overview of the construction mitigation measures for managing construction site runoff, chemical spillage risk, construction</p>	Mitigation	FCEMP coverage	GREEN

		<p>dewatering and crossings of watercourses (by HDD or open-cut approaches) are outlined in Section 9.5 of Chapter 9 Surface Water, Flood Risk and Water Resources [APP-061], as well as in the Framework Construction Environmental Management Plan [APP-043] and in further detail in the Outline Water Management Plan [APP-045]. These documents provide mitigation measures developed from good practice industry guidance, and the Outline Water Management Plan [APP-045] includes water quality monitoring requirements for water bodies during the pre-construction and construction phases.</p> <p>There is relatively limited requirement across the Proposed Development for direct in-channel works to watercourses which would have the greatest associated risk of sediment and/or contaminant mobilisation. The assessment indicated that direct works to watercourses (for pipeline installation) would only be required for the Hydrogen Pipeline Crossings of Holme Fleet (NZ 49241 23828), an unnamed</p>			
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		<p>tributary north of Seal Sands Road (NZ 51091 23758), an unnamed ephemeral watercourse (tributary of Greatham Creek, NZ 51110 24822) and an unnamed tributary of Holme Fleet (NZ 48649 24325). Given mitigation measures adopted during these works (including damming, overpumping or fluming to create a dry working environment and employing sediment capturing methodologies such as silt fences) then it would not be expected that there would be any sediment or contaminant mobilisation significant enough to affect the downstream Teesmouth and Cleveland Coast SPA/Ramsar site.</p> <p>While there is a requirement for HDD crossing below The Tees and Greatham Creek, there would be no direct works to the estuary. The methodology of the HDD drilling, or other trenchless techniques, will include measures to minimise the risk to the environment, as set out in the Framework CEMP [APP-043]. For</p>			
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		<p>HDD methods, the risk that drilling muds can 'break out' into watercourses leading to pollution (known as 'hydraulic fracture' or 'frac-out' event) will be mitigated by adoption a site-specific Hydraulic Fracture Risk Assessment (secured within the Framework CEMP) that will be developed prior to construction following further investigation of specific ground conditions at the crossing locations, and appropriate mitigation developed in line with best construction practice.</p> <p>A slight adverse impact (not significant) on water quality in Tees Estuary was identified in Chapter 9 Surface Water, Flood Risk and Water Resources (APP-061), but this is a worst case and based on negligible impacts having been predicted. Given that this is a very high importance receptor this leads to a slight adverse effect based on the assessment methodology (outlined in Chapter 9 Surface Water, Flood Risk and Water</p>			
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			Resources (APP-061)) but is not significant. Furthermore, there is not considered potential for increased scour and sedimentation to intertidal sedimentary habitats based on the mitigation measures outlined above and the lack of direct works to these habitat areas.”			
NE25	International designated sites	Durham Coast SAC, Northumbria Coast Ramsar Site (O) Air quality Impact of Nitrogen deposition on qualifying species	Natural England’s position has changed from that set out in our Relevant Representations. We have had discussions with the Applicant on this matter. Grey sand dunes do not form a feature of the Durham Coast SAC. Natural England ? Accepts the use of the 10kg N/Ha/Yr critical load value for XYZ habitat accordingly.	No further information required		GREEN
NE27	International designated sites	River Tweed SAC and Tweed Estuary	At the relevant representations stage of consultation Natural England was unable to comment in detail on this theme.	Mitigation	Lighting Strategy	GREEN

		<p>SAC</p> <p>Impact on Atlantic salmon and sea lamprey (C and O)</p>	<p>Update:</p> <p>For consultations for the River Tees, we include information on Salmonids of the Tweed, such as the Atlantic salmon, as they use the estuary and spawn upstream during their annual migrations.</p> <p>Noise and/or sediment can create a barrier to movement. For works occurring between 1st May and 30th November activities should therefore be restricted to daylight hours only, i.e., between dawn and dusk. This is to avoid activity occurring at peak migration periods (i.e., at night) during annual Salmonid migrations.</p> <p>We note the 50 week duration of HDD works for the Tees crossing and understand from dialogue with the Applicant that this represents a period of continuous drilling. This will overlap with the 1 May – 30 November period.</p> <p>Having considered the mitigation measures referenced in the</p>			
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			Report to Inform HRA (tables E4 R.Tweed SAC and E5 Tweed Estuary SAC) Natural England agrees that adverse effects on the integrity of these Habitats Sites can be ruled out subject to suitable mitigation being secured as part of the DCO.			
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Natural England’s Written Representations

PART III: Natural England’s response to the Examining Authority’s (ExA’s) first written questions/questions reference EXQ1 with a deadline of 03 October 2024

Table 1: Natural England’s response to Examiner’s initial questions EXQ1			
ExA question ref	Question addressed to	Question	Answer
Q1.2.9	Applicant, Natural England (NE) and the EA	Connection Corridor Routing (Water Corridors) Clarification/ Views sought. Paragraph 6.7.10 of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058] refers to two options in terms of effluent management. When will a final decision be made on the option chosen and are NE/ EA satisfied in regard to ‘Nutrient Neutrality’ and the final methods of disposal currently detailed in both options	<p><u>WQ/Marine/Ecotox response 20:</u></p> <p>Two options exist in terms of effluent management:</p> <p>If Case 1B were to be progressed (accepting this is unlikely), we would need to understand where the Minimalised Liquid Discharge waste would be disposed of to ensure there would be no impact to the catchment.</p> <p>NE accept that Case 2B is to be taken forward as modelling has shown Nitrogen is unlikely re-enter the estuary.</p> <p>However for Case 2B, two aspects should be considered: impact to the Tees transitional waterbody (high nutrients), where inputs must not cause an increase, and impact on the Tees Bay itself (favourable for nutrients). Although the focus has been on Seal Sands as the sensitive area NE would want to be confident that the new discharge would not impact condition in the Tees Bay.</p> <p><u>WQ/Marine/Ecotox response 23:</u></p> <p>Nutrient Neutrality:</p>

Table 1: Natural England's response to Examiner's initial questions EXQ1

ExA question ref	Question addressed to	Question	Answer
			<p>If a project contributes nutrients and these nutrients are mitigated so made nutrient neutral then there will be no remaining nutrient impact to consider in combination. Don't believe that for this specific project NN is triggered, as adverse effects are ruled out via other routes in the HRA where in combination effects do still need to be considered e.g ensure that the combined effluent discharge does not change whether the nutrients end up in the Tees estuary, or whether the combined discharge may cause the Tees Bay to become in unfavourable condition. The WQ modelling report does include the combined component, but NE would welcome clarification of this within the RR response.</p>
Q1.2.10	NE, the EA and relevant Local Authorities (LAs) (Hartlepool Borough Council (HBC), Redcar and Cleveland Borough Council (RCBC)	Connection Corridor Routing (Water Corridors) Views sought. Are you satisfied in terms of the options under consideration for the disposal of surface water run-off arising from the Proposed Development, as set out in Paragraph 6.7.10 (Third Bullet Point) of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058]?	<p>Natural England can confirm that it is Satisfied. - Please refer to representation NE21</p>

Table 1: Natural England's response to Examiner's initial questions EXQ1			
ExA question ref	Question addressed to	Question	Answer
	and Stockton-on-Tees Borough Council (STBC)) together with any other relevant Authority/ Body		
Q1.3.4		<p>Views sought.</p> <p>Paragraph 8.3.1 – 8.3.2 of ES Chapter 8 (Air Quality) [APP-060] states that the Study Area for construction dust and construction Non-Road Mobile Machinery emissions has been applied in line with the IAQM guidance 2024 extending:</p> <ul style="list-style-type: none"> • up to 250 m beyond the Proposed Development Site and 50 m from the construction traffic routes (up to 250 m from the Proposed Development Site entrances), for human health receptors; and • up to 50 m from the Proposed Development Site and construction traffic routes (up to 250 m from the Proposed Development Site entrances) for ecological receptors. <p>The ExA would ask the EA, NE and LAs to confirm whether they consider the Study Area distances assessed</p>	Our updated representations NE10 & NE11 refer to this.

Table 1: Natural England's response to Examiner's initial questions EXQ1			
ExA question ref	Question addressed to	Question	Answer
		by the Applicant and set out above, are appropriate and acceptable in respect of the air quality study areas.	
1.3.5		<p>Views sought.</p> <p>Paragraph 8.3.4 of ES Chapter 8 (Air Quality) [APP-060] states the Study Area or the operational Proposed Development point source emissions extends up to 15 kilometres (km) from the emission sources to assess the potential impacts on ecological receptors. This is in line with the EA Risk Assessment Methodology (Defra and EA, 2016, as updated in 2023) but also includes additional sites requested by the Proposed Development biodiversity specialists:</p> <ul style="list-style-type: none"> • Special Protection Area(s) (SPA), Special Area(s) of Conservation (SAC), Ramsar sites and Sites of Special Scientific Interest (SSSIs) within 15 km of the Proposed Development Site; and • Local Nature Sites (including ancient woodlands, Local Wildlife Sites and National and Local Nature Reserves) within 2 km of the Proposed Development Site. <p>Paragraph 8.3.5 of ES Chapter 8 (Air Quality) [APP-060] lists the additional sites to include the North York Moors SPA and SSSI, the North Cumbria Coast SPA, Durham</p>	<ol style="list-style-type: none"> 1. Natural England confirms that we accept the 15km threshold distance as appropriate for a scheme of this type and scale. 2. No specific comments though it should be noted that 'Loe Hill Pools SSSI's correct name is <u>Love!!</u> Hill Pools SSSI. 3. Please see response to Q1.3.9

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ExA question ref	Question addressed to	Question	Answer
		<p>Coast SAC, Northumbria Coast Ramsar, Cliff Ridge SSSI, Durham Coast SSSI and National Nature Reserve, Hart Bog SSSI, Langbaugh Ridge SSSI, Loe Hill Pools SSSI, Roseberry Topping SSSI and Saltburn Gill SSSI. Please state whether the EA, NE and LAs, together with any other relevant Authority/ Body,:</p> <p>i) considers the Study Area of 15 km to be satisfactory to assess the potential impacts on ecological receptors. ii) have any comments and observations on the additional areas included by the Applicant as the ecological receptors for the Study Area. iii) have any other observations to make in respect of Paragraph 8.3.5 – 8.3.6 of ES Chapter 8 (Air Quality) [APP-060].</p>	
1.3.9		<p>Clarification/ Views sought.</p> <p>Paragraphs 8B.2.14 and 8B.2.15 of ES Appendix 8B (Air Quality - Operational Phase) [APP-191] sets out a list of cumulative developments which are either consented or about to receive planning consent but yet to come into operation and which have potential operational air quality impacts. The details of the cumulative assessment is presented at 8B.11 (Annex B: Cumulative Assessment Inputs and</p> <p>In-Combination Results) of that document.</p>	<p>i) Natural England has reviewed the list of projects included in the In-Combination Assessment and would like to highlight the following projects which are not included in the assessment. (Format = name, impact pathway, status):</p> <p>Graythorpe Energy Centre, air quality, permit/consent Teesside Brinefields Hydrogen Storage, loss of designated site habitat/species, concept Lighthouse Green Fuels, air quality, preapplication H2NE Blue Hydrogen Facility, air quality, preapplication Flexible Regas Port, air quality, preapplication</p>

Table 1: Natural England's response to Examiner's initial questions EXQ1			
ExA question ref	Question addressed to	Question	Answer
		<p>Bearing in mind the above:</p> <p>i) Please confirm whether the LAs, together with any other relevant Authority/ Body, are satisfied with the list of consented, or soon to be consented, cumulative development included in that list. Should any of the Interested Parties (IPs) listed in the question above not be satisfied, please provide full details of those consented or about to be consented development it believes are missing from the list. When providing such details please provide a statement confirming the status of the planning application (ie Planning permission granted, resolution to grant subject to the prior completion of a legal agreement, undetermined, on appeal, etc, as well as details of the planning application, including, but not limited to, the planning application number, a description of and location of the Development, a copy of the planning permission granted or resolution to grant planning permission, etc).</p> <p>ii) Please advise whether the LAs, together with any other relevant Authority/ Body, have any observations or comments on the cumulative assessment set out in 8B.11 Annex B (Air Quality - Operational Phase) [APP-191].</p>	<p>HyGreen Hydrogen Facility, loss of designated site habitat/species, preapplication</p> <p>British Steel Electric Arc Furnace, air quality, post decision</p> <p>Biffa Redcar Plastics Recycling Facility, air quality, consent</p> <p>Carbon Capture from Existing Waste Facility, air quality, examination.</p> <p>In addition to the list of projects above, Natural England would like to highlight that the proposed development is within the Teesside Freeport Zone and Tees Valley Industrial Cluster. There may be additional projects and aims of these strategic zones which are relevant for the in combination assessment.</p> <p>Some uncertainty exists over Air Quality impact pathways associated with these omitted projects. and we request that H2T screen the projects in question for operational AQ impacts in combination.</p>
Q1.4.8		<p>Please confirm that NE is satisfied that the Applicant has identified all relevant European sites and qualifying features in its Report to Inform HRA [AS-016]. If not, confirm which are missing and for what impact pathways</p>	<p>Satisfied.</p>

Table 1: Natural England's response to Examiner's initial questions EXQ1			
ExA question ref	Question addressed to	Question	Answer
Q1.4.9		<p>Clarification/ View sought.</p> <p>Part II of NE's RR [RR-026] states it agrees there would be no adverse effects on integrity for the North Northumberland Coast, Humber Estuary and The Wash and North Norfolk Coast SACs. However, NE26 raises concerns about noise disturbance to seal qualifying features. Can NE confirm if it is satisfied that there is no adverse effects on integrity to these sites. Can NE also confirm if its concerns relate only to noise, ie that it is satisfied by the Applicant's conclusions in [AS-016] on visual disturbance to seal qualifying features.</p>	<p><u>WQ/Marine/Ecotox response 26:</u></p> <p>Following a conversation with AECOM, Natural England advises that as long as HDD operations last no longer than 3 weeks in October, and noise abatement barriers reduce noise by 10dB, there is unlikely to be a significant impact on the seals of the Teesmouth and Cleveland Coast SSSI from the HDD works at Greatham Creek. Natural England would welcome securing these mitigations through conditions to any licence granted.</p> <p>NE has received additional information from the applicant on noise assessment at Greatham Creek and some uncertainty remains regarding noise reductions achieved by mitigation measures. Our advice remains that pre-construction monitoring is carried out to assess the behaviour of seals in the area under "normal" conditions. Further monitoring should be carried out during construction to assess the efficacy of mitigation measures. If behaviour indicating disturbance is noted, further mitigation must be put in place. This may include more effective sound barriers, further muffling of machinery. If monitoring shows that disturbance is not occurring, further mitigation is unlikely to be necessary.</p>
Q1.4.10		Clarification/ Views sought.	Natural England can confirm that coastal grey dune grasslands are not a feature of the Durham Coast

Table 1: Natural England's response to Examiner's initial questions EXQ1			
ExA question ref	Question addressed to	Question	Answer
		Please confirm if Coastal Dune Grasslands (Grey Dunes) is a qualifying feature of the Durham Coast SAC. It does not appear as a qualifying feature on the citation provided in the Applicant's Report to Inform HRA [AS-016], but it has been modelled in the air quality assessment for nutrient nitrogen deposition, as presented in ES Appendix 8B (Air Quality - Operational Phase) [APP-191], Table 8B-31.	SAC. For further information on the SAC please see: European Site Conservation Objectives for Durham Coast SAC - UK0030140 (naturalengland.org.uk)
Q1.4.11		Clarification. In NE's RR [RR-026] (NE1) you advised that project commitments should be logged in a Framework Construction Environmental Management Plan (CEMP) and that mitigation plans for horizontal directional drilling collapse should be secured in the DCO. Can NE explain what additional measures it considers are needed in the Framework CEMP [APP-043] in this regard, noting that some measures are included under Surface Water (Table 7-2) and Marine Ecology (Table 7-7).	Updated representation reference NE1 refers to this.
Q1.4.12		Views sought. In NE's RR [RR-026] (NE4 and NE5), you advise that you do not support the use of 'Waterbird disturbance mitigation toolkit (Institute of Coastal and Estuarine Studies', 2013) as evidence has not been collected in a rigorous manner and it has not been peer reviewed. Can NE advise of any alternative guidance that	Natural England is not aware of any other formal guidance note to follow. Natural England has discussed our concerns regarding the use of the IECS toolkit during a call on 20.8.24, in which we provided ornithological advice on how to assess noise impacts on birds.

Table 1: Natural England's response to Examiner's initial questions EXQ1			
ExA question ref	Question addressed to	Question	Answer
		would be appropriate to support the establishment of thresholds for noise levels for bird disturbance.	
Q1.4.13		Clarification. In NE's RR [RR-026] (NE9, NE10, NE11 and NE16), you requested consideration of additional pollutants as part of the screening of construction phase emissions to air to the Teesmouth and Cleveland Coast SPA and Ramsar site and a mitigation plan (monitoring plan for construction dust). The Applicant screened out this impact pathway for LSEs, specifically for construction traffic based on the results presented in ES Chapter 8 (Air Quality) [APP-060] . Can NE clarify if it considers that this impact pathway should be assessed at the appropriate assessment stage.	<p><u>AQ/Ornithology/HRA response NE11:</u></p> <p>Satisfied</p> <p>It is accepted that NRMM sources were considered, but were not within 200m of nesting sites (from the site boundary at the theoretical closest points) - assuming the nesting site locations etc are included in the HRA no further assessment for AQ is required. It is also acknowledged that traffic numbers for tree planting/ landscaping would be <1000AADT/ 200AADT HDV and therefore no assessment of traffic air quality impacts arising from these works are necessary. Demolition dust mitigation works within the fCEMP and PPW CEMP are likely to be generic, but as long as justification is provided that there will be no impact on the integrity of the protected sites, it is considered appropriate to rely on these as compliance with the CEMPs will form part of the DCO consent.</p> <p><u>AQ/Ornithology/HRA response NE12:</u></p> <p>Not satisfied (Without further info)</p>

Table 1: Natural England’s response to Examiner’s initial questions EXQ1

ExA question ref	Question addressed to	Question	Answer
			<p>It is accepted that the environmental permit will address emissions, including fugitive emissions but this will not cover the entire red line boundary, including e.g. traffic emissions – and the full extent of emissions should be considered in the DCO application, not wait for the environmental permit, as otherwise there cannot be sufficient confidence that there will not be harm to the protected sites.</p> <p>It is acknowledged that further information on ammonia from traffic and operational emissions (as in our RR questions) will be provided, and used to inform updates to the HRA. NE will comment on these when available.</p> <p>Further information should also be provided on the “closed loop” carbon capture process, including the treatment of any amine rich wastes. Any offsite treatment should be noted, and impacts considered.</p> <p><u>AQ/Ornithology/HRA response NE15:</u></p> <p>Satisfied</p>

Table 1: Natural England's response to Examiner's initial questions EXQ1			
ExA question ref	Question addressed to	Question	Answer
			Assuming the information requested is provided in the updated HRA report, NE would be content with the methodology. We will review the assessment when provided.
Q1.4.14		Information sought. Can NE provide confirmation of what additional information it requires in relation to the temporal overlap with neighbouring schemes for the purposes of understanding the in-combination assessment in [AS-016] , including a list of the schemes the information is required for.	<p>We set out at Annex A a Gantt chart indicating the scope for significant 'temporal overlap' for a range of Teesside projects. Relevant information has been gathered in Excel spreadsheet form and is attached separately to the covering email response with our Written Representations.</p> <p>Our response to Q1.3.9 sets out those projects that have not been reflected in the in combination assessment so far.</p> <p>The in combination assessment needs to quantify impacts fully on the SPA classified bird species and assemblage. We advise that consideration is given to the spatial extent of impacts through time and numbers of birds impacted through time for this project alone and other projects in the assessment.</p>
Q1.5.7	Applicant and all IPs	Views sought. The Supreme Court has recently (20 June 2024) handed down judgment in the case of R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others.	We have been unable to provide a response to this question by 03/10/24 but aim to provide an answer as soon as we can. Natural England advises that the ExA may wish to seek their own legal advice on this matter.

Table 1: Natural England's response to Examiner's initial questions EXQ1			
ExA question ref	Question addressed to	Question	Answer
		<p>To the Applicant: Following the Supreme Court judgment, please comment on the relevance or otherwise of the above mentioned Supreme Court judgment, especially in regard to your assessment of GHG emissions in ES Chapter 19 (Climate Change) [APP-072].</p> <p>To IPs: Please comment on the relevance or otherwise of the above mentioned Supreme Court judgment in regard to this Proposed Development.</p>	
Q1.9.28	Applicant and IPs.	<p>Clarification.</p> <p>Article 32 (Temporary use of land for carrying out the authorised development) – Article 32(5)(b) provides an exemption whereby “the undertaker is not to be required to... (b) remove any ground strengthening works which have been placed on the land to facilitate construction of the authorised development.” Please define the term ‘ground strengthening works’ and provide written examples and/ or drawings of what they would be likely to consist of. Additionally the ExA would ask:</p> <ul style="list-style-type: none"> • The Applicant for an explanation of the potential implications of having to removing ‘ground strengthening works’ should Article 32(5)(b) be removed. 	<p><u>We propose that affected areas should be considered within the Report to inform HRA, in particular if the ground strengthening is to be permanently retained. Such areas should be quantified and assessed for impacts on the designated site.</u></p>

Table 1: Natural England's response to Examiner's initial questions EXQ1			
ExA question ref	Question addressed to	Question	Answer
		<ul style="list-style-type: none"> • Interest Parties for their views as to any potential implications of leaving such 'ground strengthening works' in situ 	
Q1.10.4		<p>IPs</p> <p>Views sought. Can the relevant bodies please confirm whether they have any comments or observations in respect of the Framework CEMP [APP-043]?</p>	<p><u>A number of our representations refer to the fCEMP as the means for securing mitigation:</u></p> <p><u>NE1, NE9, NE11, NE16, NE22, NE23</u></p> <p><u>Further themes and issues may rely on the fCEMP for implementation as and when the updated Report to inform HRA becomes available.</u></p>
Q1.10.9	Applicant and relevant IPs	<p>Clarification/ Views sought</p> <p>Paragraph 10.5.10 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] states that assessment of the significance of impacts will take into account the principles of assessment in the Construction Industry Research and Information Association (CIRIA) Report C552 (2001) and the EA's Guiding Principles for Land Contamination in assessing risks to controlled waters (EA, 2010). It also explains that any such risk-based assessment may indicate the need for mitigation measures additional to those as detailed in</p>	<u>No comments</u>

Table 1: Natural England's response to Examiner's initial questions EXQ1			
ExA question ref	Question addressed to	Question	Answer
		<p>the ES. An environmental risk assessment has been submitted at ES Appendix 10C (Contaminated Land Environmental Risk Assessment) [APP-196]. Bearing these documents in mind:</p> <p>i) The Applicant is asked to explain how its risk assessments have taken into account the EA's Guiding Principles for Land Contamination.</p> <p>ii) All relevant IPs are asked to confirm whether they consider the Applicant has used the most up to date and appropriate approaches for undertaking such risk assessments (ie to controlled waters and human health); and if not to explain what approaches to such risk assessments the Applicant should have followed?</p>	

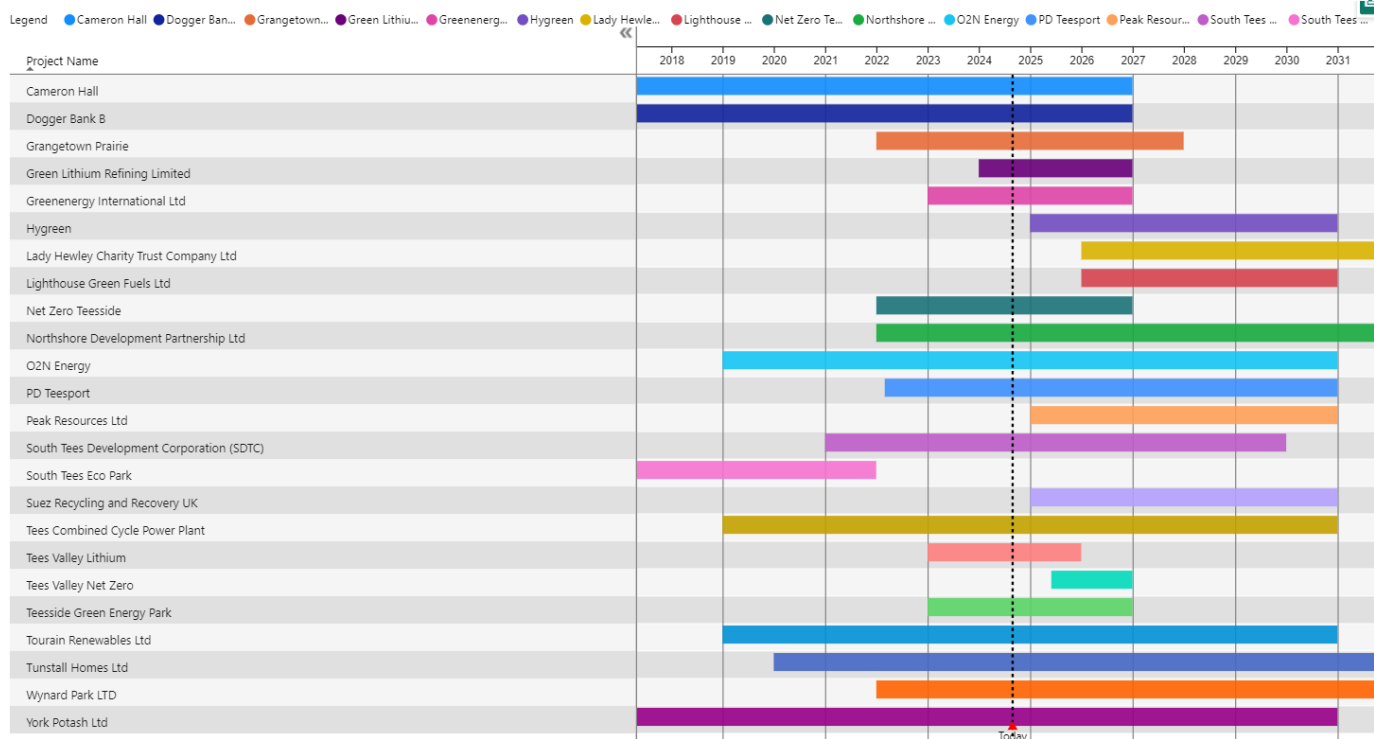
Natural England's Written Representations

PART VI: Natural England's detailed comments on the Development Consent Order (DCO) and associated documents

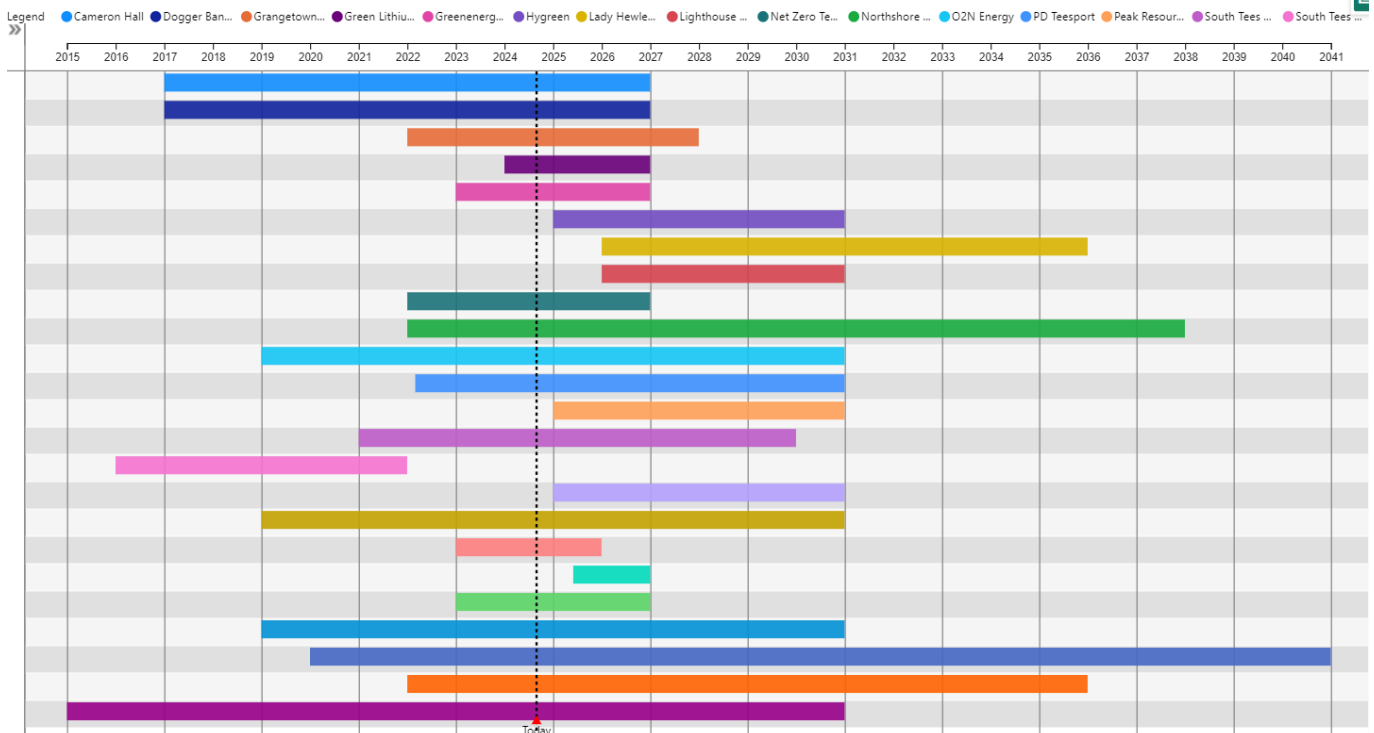
- 1.1 Since our Relevant Representation Natural England has made limited progress in resolving our concerns with the Applicant. As a result, we are unable to advise whether the Draft DCO sufficiently secures mitigation/ compensation measures for designated sites and protected species. We hope to continue to work with the Applicant to resolve as many matters as possible and to be able to advise on the DCO wording at future deadlines.
- 1.2 Whilst we are not in a position to provide informed advice on the requirement wording, we would like to make the following comments:
- 1.2.1 In our Relevant Representation, and this Written Representation, we highlight the potential noise and visual disturbance impacts to bird populations associated with the Teesmouth and Cleveland Coast Special Protection Area (SPA). Whilst discussions are still ongoing between Natural England and the Applicant on this matter, it is highly likely that mitigation for these impacts will need to be secured within Schedule 2 of the DCO (most likely the Landscape and Biodiversity Management Plan (S2.4 (c))). At present we do not know if additional wording/ requirements are required to secure this.
- 1.2.2 We note Schedule 2 Requirement 22 - Restoration of land used temporarily for construction – includes the requirement '*(2) The land must be restored within one year of the date of final commissioning of each relevant Work No. (or such longer period as the relevant planning authority may approve) in accordance with the restoration scheme approved pursuant to subparagraph (1).*' In our Representations we have asked for further information from the Applicant regarding the restoration timescales for land which is to be temporarily lost for SPA bird populations, and for these losses to be quantified by location and function. At present we have not received this. We note that Requirement 22 (2) stipulates that land used temporarily for construction must be restored within *one year of the date of final commissioning of each relevant Work No.* We advise that more information is provided on this Requirement and that losses of temporary land for this duration is fully assessed in the Habitats Regulations Assessment. We would like to highlight that losses of habitat of one year may still have significant impacts on SPA populations depending on the size, location and function of the habitats to be temporarily lost.
- 1.2.3 In addition, conversations are still ongoing with the Applicant regarding other impacts pathways – most notably air quality and water quality, which we will provide comments on any DCO wording/ requirements on once more information has been provided by the Applicant.

Natural England's Written Representations Appendices – Annex A -

Earliest Start and Earliest End by Project Name and Project Name



Earliest Start and Earliest End by Project Name and Project Name



Note – Relevant project details (application references, stage of project etc) provided in separate excel spreadsheet appended to covering email with written reps.