Date: 22 January 2025
Our ref: ID20049401
Your ref: **EN070009**

The Planning Inspectorate

h2teesside@planninginspectorate.gov.uk

By email only, no hard copy to follow

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

T 0300 060 3900

Dear Sir/ Madam

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

NE's response to Document Reference: 8.26 Applicant's Response to Deadline 4 Submissions and Compulsory Acquisition Regulations Relevant Representations

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.

Natural England would like to provide the below comments on **Document Reference: 8.26 Applicant's Response to Deadline 4 Submissions and Compulsory Acquisition Regulations Relevant Representations**. As we are awaiting the revised Report to Inform Habitat Regulation Assessment and outstanding information on bird disturbance, we have not provided full advice on issues relating to these documents. We are expecting the documents to be sent to us today (22/01/25), and will provide an update on when we expect to be able to provide full advice on them once we have had the opportunity to do an initial review of the documents.

For any further advice on this consultation please contact the case officer [redacted] ([redacted]@naturalengland.org.uk) and copy to consultations@naturalengland.org.uk.

Yours faithfully

Northumbria Area Team

Annex 1: Natural England comments on Document Reference: 8.26 Applicant's Response to Deadline 4 Submissions and Compulsory Acquisition Regulations Relevant Representations

Ref No:	Applicant's D5 Response	Natural England's comments
NE2: Impact Assessment on Birds	A new bird count methodology has been developed by the Applicant and reviewed by Natural England on multiple occasions. Natural England has provided comments and advice throughout this process. Following the establishment of a final version of the methodology, the Applicant is now progressing with the revised calculations and assessment, which are planned for release at Deadline 6A as part of the updated version of the HRA. An appendix detailing the number of birds potentially disturbed during the programmed works across the Proposed Development will be included in a revised HRA by Deadline 6A to provide more clarity. Assessment of visual and noise disturbance impacts on the waterbird assemblage, particularly where works in multiple locations could occur simultaneously, using the NE agreed revised bird count methodology will be included in a revised HRA by Deadline 6A	Natural England has reviewed the draft versions of the methodology but is yet to be consulted on the final outputs. We will provide comments on this at Deadline 7.
NE3: Functionally Linked Land (FLL)	The Applicant has added further consideration of effects to functionally linked land to the Deadline 5 version of the HRA: • Paragraph 4.2.6-7 and Figure 16 a and b discuss the extent of permanent habitat loss, including specific locations. • Paragraphs 6.2.3 to 6.2.13 provide further analysis of these impacts by sector. Habitat use by birds within and outside of the SPA can be divided into roosting and "other behaviours", which are predominantly feeding and loafing1 . AECOM's count sectors were designed with the intention of providing	**Permanent losses** Natural England disagrees with ruling out the main site as functionally linked land. This is because the site supports significant numbers of SPA birds for an essential behaviour (roosting). We acknowledge that the main site will not be of optimal habitat quality, however the site supports significant bird numbers and it is therefore our opinion that it is regarded as functionally linked land. We advise that the RtiHRA assesses the significance of this loss in terms of the wider landscape and other roosting habitat available.

	baseline data for key habitats within the Teesmouth and Cleveland Coast SPA and all land with the potential to provide a supporting function to the SPA that lies outside the SPA boundary and that might be affected by construction and/or operation of the Proposed Development. A further objective of the surveys was to provide baseline data of a sufficient spatial extent to enable robust assessment of potential effects of the Proposed Development on birds irrespective of any association with designated sites. Thus, the presence of a bird count sector outside of the SPA does not necessarily confirm a functional linkage exists at that location, but for the sake of completeness, the report to inform the Habitats Regulations Assessment by default considers the occurrence of birds in every count sector. The functionally linked land marked up on Figure 16b was determined through analysis of the baseline bird count data to identify areas of suitable habitat that overlap the Proposed Development where this would result in habitat losses, or that would otherwise be impacted by noise or visual disturbance outside of the SPA boundary and that supported regular occurrence of wetland birds in numbers greater than ones or twos, regardless of their behaviour. Figure 16a and b show the extent of Functionally Linked Land (FLL) that intersects the Proposed Development Site. The Figures also include the following information: • The SPA boundary; • Count sectors surveyed by AECOM;	We advise that further information is required to inform the assessment of the permanent losses of land on either side of the Tees Crossing. We are aware that the Applicant is intending to submit a revised version of their HRA on 22/01/25 which may contain this information. We intend to review this and discuss with the Applicant if further information is required. **Temporary Loss Functionally Linked Land** Natural England welcomes the quantification of areas of land temporarily lost. We are awaiting further information from the Applicant on the numbers of birds disturbed, areas to be disturbed, expected noise levels and the updated HRA. We will provide more comments on this once we have received all the outstanding information. **Restoration of Functionally Linked Land** Natural England agrees that the proposed restoration of temporary losses of functionally linked land is sufficient. We advise that these measures are secured within the wording of the CEMP.

	• The Proposed Development Site Boundary; • Wetland bird roosts identified by AECOM's surveys and data supplied by INCA; and • Locations of infrastructure that will result in permanent habitat loss. Permanent habitat losses (AGIs) Based on the count data and the ongoing nature of site clearance and industrial activity within Teesworks, the Applicant does not regard any of the habitats within or immediately adjacent to the Main Site as being functionally linked to the SPA. Land within the Main Site is used primarily by loafing and resting birds on an occasional/opportunistic basis and as such it is not critical to, or necessary for, the ecological or behavioural function of birds, nor is the function and integrity of the SPA dependent on it. Aside from the Main Site, the majority of permanent structures (AGIs) are located within or immediately adjacent to existing infrastructure or are in areas that are already undergoing earthworks or other industrial activity that render the habitat unsuitable for anything other than very occasional opportunistic use by small numbers of water birds. These include AGIs that overlap count sector 13 near the Main Site; an AGI within Navigator Terminal (adjacent to count sector 25), and a location between existing pipe racking and Saltholme East Pool (count sector 24). One location (Cowpen Bewley Woodland Park) is within woodland and therefore is too enclosed for wetland birds (consequently this location was not surveyed for wetland birds). Two locations near Saltholme (within AECOM count sector B1 and adjacent to sector G1) are within open grassland habitat but	

	this is enclosed by a substation, a power station, the A1185 to the north and existing pipe racking to the south and is therefore rendered unsuitable for wetland birds. An AGI on the land between Dabholme Gut (Count Sector 18) and Bran Sands Lagoon (count sector 16) overlaps the location of an occasional roost used by teal and lapwing, which occurred on the margin of the proposed development boundary and the lagoon. **Temporary habitat losses** Based on the approach to identifying functional linkages described above, FLL has been identified within parts of Brinefields east of the A178 (AECOM count sectors 2, G4 and G5); and farmland between Saltholme substation and Cowpen Bewley village south of the A1185 (AECOM count sectors B1 – B6). Observations of bird behaviour in these areas during AECOM's surveys has identified these as important for feeding and loafing birds, with roosts occurring elsewhere (as shown on the Figures). Not all areas within the Proposed Development Site will be directly impacted, and the exact working width will be confirmed at detailed design stage. Based upon a worst-case scenario, the areas of direct temporary loss of FLL during construction (determined by measuring the area within the red line boundary that overlaps the FLL) would be 21.9 ha in total, and this can be sub-divided as follows:	

	• Based on an indicative programme it has been assumed that between Saltholme substation and Cowpen Bewley, up to 14.15 ha of land would be potentially lost between March and September 2027 (7 months) (aligning with the seasonal restrictions already committed to) – this ensures that works take place here during the months in which non-breeding birds are most numerous, specifically to avoid potential effects on nonbreeding SPA birds (noting that these fields were not identified as supporting qualifying breeding species). Therefore, the habitat losses to SPA birds are minimised in this area. • At Brinefields the total area potentially affected is 7.75 ha, however all works will be timed to avoid the non-breeding months, as per Figure 14a, such that potential effects on non-breeding SPA birds are minimised. North of this, as far as the southern Bank of Greatham Creek (within AECOM count Sector G5), the area of FLL habitat lost would be zero, since it does not overlap the Proposed Development Site, however the area identified on the plan is immediately adjacent to the Proposed Development Site where works would potentially be required, in some form, between March and November (as the worst-case scenario 9 months). This area would, however, be screened by closed-board acoustic barriers to control noise and visual disturbance to acceptable levels, therefore potential effects on SPA birds in this area would be adequately controlled. The area measurements provided above are based on losses occurring across the entire red line	

	boundary, where this intersects the functionally linked land identified in the figures, as a worst-case estimate of the potential effects on qualifying species of the SPA. However, actual losses would occur only within the working width, which would be smaller, but cannot be accurately quantified at this stage. **Restoration of FLL following construction** The species recorded using the habitats described above (principally waders and gulls) feed by probing soft ground for invertebrates or other food items below the surface and/or by picking such items off the surface of the substrate. The habitats present in these areas include short sward grassland and arable land in various states of crop rotation from well established crop to recently ploughed ground. The installation of a buried pipeline will require soil to be excavated and stored prior to installation of the pipe, after which the trench will be backfilled. This will create soft, unvegetated surface soils within the working areas that would, regardless of any efforts to restore habitat, provide foraging resources for birds immediately following the construction period. On this basis it is expected that the land would be functional as soon as pipeline installation is completed, construction teams have been demobilised and all construction/working areas have been removed.	
NE5: Noise Impact Assessment	The revised bird count methodology developed in relation to NE2 will be used alongside noise contours showing the noise attenuation provided by the proposed barriers to update the	Natural England has discussed this matter with the Applicant but is yet to review the final modelling outputs. We will review this and provide comments at Deadline 7.

	HRA by Deadline 6A. The LA Max contours from impulsive noise are being produced and will be considered in the updated the HRA submitted by Deadline 6A.	
NE6: Visual Screening	As outlined in NE5, the Noise Technical Note will be submitted by Deadline 6A, providing the noise contours for the proposed barriers including the extended noise and visual barrier at Greatham Creek. Additionally, as noted in NE2, the reviewed bird count methodology—developed with Natural England prior to Deadline 5 through ongoing discussions—will be applied alongside the noise contours, demonstrating the attenuation and protection offered by the proposed barriers. Together, these will inform the updated HRA, which will be submitted by Deadline 6A. If further updates to the noise and visual assessment are required, we will continue liaising with Natural England to fully resolve the matter.	Natural England will review this and provide comments at Deadline 7.
NE7: Quantification of operational visual disturbance sources	Further to the response provided at D2, the Applicant makes reference to NatureScot Research Report 1283 - Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species (Goodship and Furness, 2022) 2 . This review notes that an assessment of bird disturbance needs to be on a site-specific basis, taking into account the context. It was noted in that report that all bird species assessed in the review were, to some degree, likely to habituate to disturbance and were therefore likely to vary in their response to human disturbance in different areas. The report	Natural England acknowledges that there are current levels of visual and noise disturbance at Teesside due to the industrial nature of the area. However, we do not agree with the Applicant's approach that operational noise and visual disturbance on SPA birds can be ruled out on the grounds that the birds will be habituated to the existing noise and activity. We advise that additional information is provided on the scale and nature of the operational noise and visual disturbance, how this compares with baselines levels of disturbance, and how the development has been designed in order to avoid impacts on SPA birds.

	further notes that if birds are present in a highly disturbed area, then it is likely that these birds will show a high degree of habituation to disturbance and tolerate a shorter disturbance distance (referencing Keller, 1989; Baudains and Lloyd, 2007; Ellenberg et al., 2009; Ross et al., 2015; Vincze et al., 2016). As outlined by the Applicant at D1, the land within and around the Site has been subject to high levels of anthropogenic disturbance for many years. As such, the Applicant concludes that it is appropriate to screen out visual disturbance during operation as no LSE will occur due to habituation and because noise levels during operation have been modelled and indicate that this will be within acceptable levels. The Applicant is continuing to discuss this point with Natural England to reach agreement.	The Applicant has already provided information on the sightlines impacts on Blast Furnace Pools which may help inform this. In addition, we advise more information is provided on the operational and maintenance works in close proximity to the SPA, in particular the River Tees crossing, due to the proximity to the site.
NE8: Sightlines from blast furnace pool	The Applicant has addressed these points in the Technical Note provided in Appendix 2 of this document.	We will provide further comments at D7 with our response to the updated RtiHRA.
NE10: Ammonia emissions from vehicle and Acid Deposition	As a reminder (and as explained in the HRA and cited on APIS for Teesmouth & Cleveland Coast SPA), the only SPA bird species sensitive to air quality impacts on their habitat are the nesting terns and avocet. Away from their nesting habitat, the only habitat either species particularly relies on during the nesting season is	We welcome the applicant's screening of construction impacts into the appropriate assessment and note their observations concerning the lack of an ecological impact pathway with respect to nutrient enrichment from N Deposition impacting nesting habitats. We will provide detailed comments at D7 following receipt of the applicant's updated RtiHRA.

	their foraging habitat. In both cases the supporting foraging habitat is open water. In the case of terns, they fish by plunge diving into the water column. There is no evidence on APIS or elsewhere that fish populations in the open sea or tidal river water column are sensitive to atmospheric nitrogen deposition, and there are no critical loads/levels available for this habitat. Avocet also forage in open water, by 'scything' their bills from side to side in shallow water to catch small prey (aquatic insects and small crustaceans). APIS indicates that nitrogen deposition may be positive for foraging avocets by increasing prey abundance. This is the reason the assessment of air quality impacts on the SPA/Ramsar for both construction and operation focusses on nesting habitat for these two species. Air quality impacts during construction are controlled in the Framework CEMP (5.12), and include good practice to minimise vehicle and plant idling. This is discussed further in the update to the HRA also submitted at Deadline 5. It has been agreed with Natural England in a meeting on 28th November to screen in construction period air quality	

	impacts for appropriate assessment, and to then provide the rationale for no adverse effect on integrity as above. This has been done in the D5 HRA. APIS explicitly states on the Site Relevant Critical Load app that none of the SPA birds are sensitive to ammonia, by which it means the ability of their habitats to support the SPA birds will not be affected. APIS also has columns to list if lichens or bryophytes are integral to any feature for which a site is designated, and for the SPA these are blank; for the SSSI they are either blank or it says 'no'. Nowhere does APIS indicate that lower plants are integral to the interest features of either the SPA or the SSSI. This is therefore the justification for using the higher critical level of 3µg/m3. The Applicant has added this explanation to the Deadline 5 version of the HRA.	
NE12: Sources of Operational Pollutants	Overall: All emissions from the plant will be controlled by the Environment Agency via an Environmental Permit. The Applicant would note that is the appropriate regulatory process for Natural England to provide input on this aspect. The Applicant has provided responses below to the specific points raised to assist Natural England's understanding in this area. Maintenance: Typically the plant will be shut down when maintenance is conducted on the process systems. Any liquids contained within the plant will be drained and stored for re-use, or removed off site for disposal at end of life. Any	We are continuing in our discussions with the applicant regarding NE12 and NE18. We hope to meet with them on Monday 27th January to discuss this subject further and will provide updated comments regarding this at Deadline 7.

	unplanned releases will be contained by hard standing within a bunded area, captured into the site closed drains system and won't be released to the environment. Any CO2 venting will be limited and infrequent in nature and conducted in a controlled manner. Unplanned events: In the event of an unplanned shutdown of the plant, hydrogen gas will be routed to the flare. The system includes a mechanism to prevent amines from reaching the flare and instead are recycled into the system. Flaring emissions have been assessed in the Air Quality assessment [APP-060] and [CR1-045]. Inputs/Outputs: Natural gas comes into the plant as the feedstock. Heat, water and oxygen are used to reform the natural gas into hydrogen and CO2. Excess water that cannot be recycled into the process goes to the waste-water treatment plant and is treated prior to discharge via the outfall to sea. CO2 is captured by the amine that is contained within a closed loop system so there are no emissions. Amine is cycled round the process between the carbon capture system and the regeneration system. It is not an output from the system, hence the description as 'closed loop'. CO2 liberated from the regenerated amine is routed onwards to the NEP CO2 pipeline. The plant will be shut down when amine is changed out. The waste amine is contained and taken off site for disposal. The produced hydrogen is routed to storage and onwards to the hydrogen distribution	

	network. The system does not capture 100% of the CO2 resulting from the input gas because the boiler used to generate steam burns a mixture of natural gas and hydrogen without all CO2 removed, and exhaust emissions from this boiler are not captured. Amine waste: Where amine cannot be regenerated and re-used this will be drained from the process and taken off site for disposal. Hence this is not relevant to the Air Quality assessment	
NE14: Cumulative and combined effects	The Cumulative and Combined Effects Assessment has been updated for Deadline 5, and the updates from this have been considered in the updated Report to Inform HRA which includes an updated In-Combination Assessment, which is also submitted at Deadline 5. The future year base traffic data in the ES chapter was increased using TEMPRO factors. The TEMPRO database includes an allowance for traffic generated by schemes included within local plans, so on this basis it does include some additional scheme traffic. The search terms used to establish the long list are set out across Chapter 23 [APP-076] Section 3.	We confirm that the additional information presented in the revised Report to inform HRA shows that the effects of traffic in combination have been considered in the assessment and screened into the appropriate assessment. The in combination assessment in Section 5 of the RtiHRA is updated and it is clear where they are considered alongside the proposed development. We consider that this addresses our concerns regarding the original in combination assessment.

	For clarity, developments which meet the following criteria were considered in developing the long list: • local authority planning applications that represent 'major developments', the definitions and thresholds for which are set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (HM Government, 2015); • Development Consent Order (DCO) applications for Nationally Significant Infrastructure Projects (NSIPs) in England, registered on the Register of Applications on the National Infrastructure Planning website (The Inspectorate, 2019b); • any major development projects being progressed through other statutory procedures; • allocations identified in the adopted and emerging development plans of the relevant local planning authorities (LPAs); and • other relevant development plans and projects. The methodology did not include a search by development type, therefore, if for example, agricultural developments that had planning applications submitted within the Proposed Developments Zone of Influence and timeframe, did not meet the criteria outlined above, then they would not be included. The in-combination assessment for traffic only includes other vehicle emissions, and not emissions from point sources as	

	these are either existing and accounted for in the background, or in construction and the maximum trips from each development are included in the traffic data.	
NE15: Approach to HRA (Air Quality)	See response to NE10. The Applicant notes that most of Natural England's latest comments on NE15 are either agreeing with our conclusions or where they have picked up on points (e.g. 5kgN vs 10kgN) they have noted it wouldn't affect the assessment. The only point of disagreement or request for further information raised appear to be in the last paragraph on a) the omission of construction traffic emissions and b) consideration of indirect effects on SPA birds i.e. on any other parts of the SPA, both of which are covered in the response to NE10 above.	The revised RtiHRA contains further information on the habitat and highlights that the affected dunes are not suitable for nesting due to their location (disturbance), vegetation and topography. We will submit further comments at D7 following receipt of the applicant's updated RtiHRA.
NE17: Nitrogen Deposition (Ndep)	See response to NE10. With regard to SPA birds shifting their nesting locations, the Applicant considers that it has addressed this matter by not only using the most recent (within the past five years) known nesting locations but also the closest known historic nesting location (South Gare) – see the updates to the HRA submitted at Deadline 5. Even here there is a question as to whether habitat could be restored to suitability for nesting terns without harming the botanical SSSI interest that has developed given the extensive vegetation clearance that may be required. Moreover, even rendering habitat physically suitable is no guarantee that terns would return to nest there, as there are many areas of suitable habitat where terns nonetheless do not nest. While there may be older records (such as that from	We acknowledge that the applicant has submitted justification to support their conclusion of no adverse effects on the SPA due to N deposition. NE will comment further on this at D7 following receipt of the applicant's updated RtiHRA.

	the 1920's that Natural England mentions) the older the record the lower the reason to assume the birds would ever return to nest even if habitat was rendered suitable. With regard to impacts on the SSSI, the Applicant had meetings with Natural England on 28th November and 4th December. At those meetings the Applicant clarified that the dunes at Teesmouth & Cleveland Coast SSSI are calcareous as demonstrated by the presence of calcareous vegetation on the dunes. As set out in Bobbink et al 2022 surveys have indicated that calcareous, iron-rich dunes exhibit co-limitation of nitrogen and phosphorus and that phosphorus limitation is a factor in calcareous dunes and 'may lead to fewer botanical responses in calcareous dunes compared with acidic or decalcified dune sites'. There is therefore a justification for considering that the lowest critical load of 5kgN/ha/yr is less appropriate than a slightly higher critical load of 10 kgN/ha/yr as was used on APIS for calcareous dune systems before the critical loads reported on APIS were updated in 2023. Notwithstanding any change in the critical load applied, the Applicant's view remains that if the total nitrogen deposition rate will remain lower with the Proposed Development consented (even allowing for other plans and projects) than it has been historically, it cannot be argued that the Proposed Development will be harming the interest of the SSSI, even by impeding restoration. That is particularly the case given	

	the contribution of the Proposed Development is at the '1% of the upper critical load' level for dismissal as imperceptible.	
NE18: Operational Emission of amine and amine degradation products	See response to NE12.	See our comments to NE12 above.
NE19: Update in-combination assessment	The Report to Inform HRA has been updated to include the additional projects and will be submitted at Deadline 5. Figure 17 shows the spatial overlap between the boundary of the Proposed Development, the Other Developments and the SPA and Ramsar sites; temporal overlap is inherent within the shortlisting process in the Cumulative Chapter so all Other Developments shown on the figure can be considered to have temporal overlap with the Proposed Development. The spatial / temporal relationship between the Proposed Development and the Other Developments has been considered within the in-combination assessment section of the HRA, as updated at Deadline 5. The locations of bird roosts are shown on Figures 13-A-9, 13-A-10 and 13-A-11, and supporting narrative on these locations is provided in Tables 13A-9, 13A-10 and 13A-11 within the Ornithology Baseline Report. The use of habitats by birds has been considered within the in-combination assessment of the HRA. Impact pathways have been considered along with temporal overlaps, but the Applicant notes that it is not possible to include numbers of birds impacted for the	We note and welcome the presentation of location information for the relevant developments in Figure 17 (RtiHRA). The comments regarding spatial/temporal relationship (see left) are acknowledged and we welcome the precautionary approach whereby all developments are considered to have temporal overlap. It is not clear whether our advice on 18.12.24 has been fully considered e.g. whether, given the approach described (at left), consideration of info at fig 17 (RtiHRA - development locations in relation to SPA and one another), together with Fig 23-1 [REP5-019] showing 'zones of influence' applied for noise, and a consideration of CEMP material for relevant developments – would help to indicate the level of risk of residual noise/visual impacts. However we would emphasise the need for further consideration of NE5 and NE6 (Noise and visual disturbance) in order to establish the scheme's effects 'alone'. This will further inform consideration of in combination effects.

	Proposed Development and in combination because data will have been collected at different times, following different methods; this makes them incomparable. This has been discussed with NE on calls.	
NE26 - Seals	The Applicant will submit a Technical Note by Deadline 6A in response to the two rounds of comments provided by Natural England on 29th October 2024 and 19th November 2024. The Applicant has updated the modelling to provide M-weighted adjusted results. To do this, an M-weighted curve has been generated using data provided by Southall et al. (2019). Values have also been updated to use Eb6 as the estimated ambient sound level at the Greatham Creek noise modelling location (in the absence of baseline noise monitoring). The updated M-weighted modelling indicates that, even without noise abatement barriers in place, the M-weighted SELs at Greatham Creek (104 dB, using Eb6 as the ambient) are 30 dB below the TTS threshold (134 dB, per Southall et al., 2019) in a worst-case scenario. Furthermore, the M-weighted SEL value at Greatham Creek is only 4 dB above the ambient sound level (100 dB), a difference unlikely to be perceptible to seals or sufficient to cause disturbance. However, additional modelling is being explored to consider the change in SEL (using M-weighted noise contours) from the use of noise abatement barriers around the Greatham Creek HDD Venator Site. The addition of noise abatement barriers around the entire HDD site is expected to further reduce the SELs below ambient. The approach to these barriers, and therefore the updated modelling, has been refined. The updated approach using Natural England's methodology, still highlights the minimal potential for	Natural England will provide comments on this matter at Deadline 7 once we have had the opportunity to review the Technical Note.

	disturbance to seals during the HDD works. Therefore, additional monitoring of noise and seal behaviour before and during the works is not considered necessary.	
NE28: Consideration of ammonia and acid deposition in the traffic assessment	*See response to NE10*	It is not clear that the impact on the SSSI features has been adequately assessed. The protected features of the SSSI are different to the SPA and includes for example the dune grassland vegetation communities in their own right. The impact on these from N deposition, NOx and ammonia therefore needs to be assessed. This comment relates to the traffic assessment (which was scoped into the HRA - and could potentially result in harm to the SSSI as well). The applicant has confirmed that they will prepare a report on the implications for the SSI and we will comment further at D7 accordingly.
NE29: Scope of Pollutants considered in the construction and operational assessments	*See responses to NE10 and NE15*	As above, it is not clear that a revised assessment in respect of the SSSI has been prepared addressing our earlier comments on the scope of the pollutants. We await the applicant's Report on the implications for the SSSI and will comment further at D7 accordingly.
NE31: Impact of pollutants at SSSIs including SSSIs	With regard to impacts on the SSSI, the applicant had meetings with Natural England on 28th November and 4th December. At those meetings the applicant clarified that the dunes at Teesmouth & Cleveland Coast SSSI are calcareous as demonstrated by the presence of calcareous vegetation on	We await the applicant's report on the implications for the SSSI and will submit further comments at D7

underlying European designations	the dunes. As set out in Bobbink et al 2022 surveys have indicated that calcareous, iron-rich dunes exhibit co-limitation of nitrogen and phosphorus and that phosphorus limitation is a factor in calcareous dunes and 'may lead to fewer botanical responses in calcareous dunes compared with acidic or decalcified dune sites'. There is therefore a justification for considering that the lowest critical load of 5kgN/ha/yr is less appropriate than a slightly higher critical load of 10 kgN/ha/yr as was used on APIS for calcareous dune systems before the critical loads reported on APIS were updated in 2023. Notwithstanding any change in the critical load applied, the Applicant's view remains that if the total nitrogen deposition rate will remain lower with the Proposed Development consented (even allowing for other plans and projects) than it has been historically it cannot be argued that our scheme will be harming the interest of the SSSI, even by impeding restoration. That is particularly the case given the contribution of the Proposed Development is at the '1% of the upper critical load' level for dismissal as imperceptible	
NE34: BNG Update	*The Applicant would like to draw Natural England's attention to the transcript of Issue* *Specific Hearing 2 (ISH2) – Part 3 (14 November 2024) [EV6-006], page 28 onwards.*	Natural England acknowledges the points raised by the Applicant with regards to environmental enhancements and welcomes these. We advise that any enhancements are designed to complement and enhance species of local importance.

	The main point of the transcript is that whilst the Applicant is not making a commitment to deliver BNG in line with the Principles or Statutory Metric, the Applicant is exploring opportunities for environmental enhancements within Teesside. Discussions are ongoing with various stakeholders, including local trusts, environmental authorities, and conservation organisations. The aim is to deliver strategic environmental enhancements that benefit both habitats and species. These enhancements are not a legal or planning requirement for the project and will not be submitted for consideration in the examination. Instead, they are being pursued voluntarily as part of the Applicant's commitment to responsible development. The Applicant will keep both the Environment Agency and Natural England updated on any progress.	As advised in our previous responses, BNG is not mandatory until November 2025 for NSIP developments. We therefore defer to the ExA on this issue to decide the level of ecological enhancement provision for this project.
NE35: Soils and best and most versatile agricultural land	*The Applicant has addressed these points in the Technical Note provided in Appendix 3 of this document.*	Please see our response to ExA's on Issue Specific Hearings date 08/01/25. We regard the Applicant's justification regarding soils surveys as sufficient and regard this matter as closed.