

Date: 06 February 2025  
Our ref: ID20049401  
Your ref: **EN070009**



The Planning Inspectorate

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**By email only, no hard copy to follow**

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Dear Inspector

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

**Title: Natural England's comments on the Report on the Implications for European Sites (RIES) in respect of the H2 Teesside Project**

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 is pleased to provide our answers to the questions outlined in the Report on the Implications for European Sites (RIES), dated 16<sup>th</sup> January 2025. We hope you find our responses, detailed in Appendix 1, helpful in your determination.

Please also find appended to the submission email the following evidence, as referenced in our responses in Appendix 1:

- Appendix 2: Teesmouth and Cleveland Coast SPA/Ramsar Evidence Pack
- Appendix 3: Lindisfarne Special Protection Area and Ramsar Evidence Pack

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

Yours faithfully

Northumbria Area Team

Appendix 1: Natural England's comments on the Report on the Implications for European Sites (RIES) in respect of the H2 Teesside Project

Question Reference	NE Ref	Designated Site	Question	Natural England's Response
<b>2. European sites considered</b>				
Q 2.1.1	N/A	Castle Eden Dene SAC	Confirm if you agree with the Applicant's screening approach in respect of the Castle Eden Dene SAC. If not agreed, provide an explanation of NE's position.	NE agrees with the applicant's rationale for screening out Castle Eden Dene SAC
Q 2.4.1	N/A	Southern North Sea SAC	Confirm if you agree with the applicant's screening conclusions in respect of the Southern North Sea SAC. If not agreed, provide an explanation of NE's position.	NE agrees with the applicant's rationale for screening out the Southern North Sea SAC'
Q 2.5.1	NE24, NE25	North York Moors SAC/SPA and Northumbria Coast SPA/Ramsar	NE's advice in [REP4-028] was that operational emissions to air (NOx, nitrogen and acid deposition) to North Yorks Moors SAC and SPA and Northumbria Coast Ramsar site and SPA from the proposed development in combination would not be significant on the basis of information presented in the applicant's HRA report [CR1-023], which concluded that the 1% critical level was not exceeded for these pollutants. A further updated HRA report [REP5-011] has resulted in a change to the modelling, with the 1% critical level now exceeded for annual NOx, nitrogen deposition and acid deposition (North Yorks Moors SAC and SPA only). NE is requested to set out any implications for its advice on these matters as a result of [REP5-011].	NE accepts that no further assessment of the impact of air pollution at North Yorks Moors SAC/SPA is required. This is not based on the size of H2Ts contribution within the in-combination impact, but consideration of the entire in-combination impact on the protected sites at NYM in this case.
Q 2.5.2	NE3	Teesmouth and Cleveland Coast SPA/Ramsar	NE is requested to confirm if it is satisfied that the implications of installing and retaining ground-strengthening works have been adequately considered in the HRA. If concerns remain, confirm for which European sites and qualifying features, and what pathways to effect.	Natural England is satisfied with the information provided on ground-strengthening works on the provision that the areas to be strengthened are reinstated to provide their identified function for SPA birds.
<b>Questions Table 2.3</b>				
QT 2.2.2a	NE8	Teesmouth and Cleveland Coast SPA/Ramsar	NE is requested to comment on the assessment in appendix 2 of [REP5-051] and if this addresses its outstanding concerns.	NE accepts the conclusions of this report (REP5-051 Appendix 2 –Ref NE8)
QT 2.2.2b	NE8	Teesmouth and Cleveland Coast SPA/Ramsar	NE is requested to provide any evidence it holds that demonstrates the blast furnace pool as a function as a refuge for SPA birds during less favourable tidal or weather conditions. Which SPA birds use the pool and how frequently. Are these species sensitive to visual disturbance.	Further to our acceptance in QT 2.2.2a, we have no further evidence to provide regarding this matter.
ID 2.3.7	NE24	North York Moors SAC/SPA	The ExA understands that this matter was resolved with NE but seeks confirmation as to any change in advice, as sought in Q2.5.1 of this RIES.	No change in our advice – please see answer to Q2.5.1
ID 2.3.8	NE25	Northumbria Coast SPA/Ramsar	The ExA understands that this matter was resolved with NE but seeks confirmation as to any change in advice, as sought in Q2.5.1 of this RIES.	No change in our advice – please see answer to Q2.5.1
<b>3. Adverse Effects on Integrity</b>				
Q 3.1.1	/	Teesmouth and Cleveland Coast Ramsar and Northumbria Coast Ramsar	Are you satisfied with the applicant's approach to assessment of the Ramsar sites in the absence of conservation objectives.	Yes - As the SPA encompasses the Ramsar Site's features and extent NE accepts the use of the SPA conservation objectives for the Ramsar Site also.
Q 3.1.3	/	Teesmouth and Cleveland Coast SPA/Ramsar	Submit any further information that you hold about whether the European sites screened in for assessment are in favourable or unfavourable condition.	Natural England's reference to 'unfavourable condition' of the Teesmouth and Cleveland Coast SPA/Ramsar Site was made in the specific context of protected sites subject to excess nutrients. We provide copies of the Evidence Packs for the Teesmouth and Cleveland Coast SPA/Ramsar Site (appendix 2) and Lindisfarne

				SPA/Ramsar Site (appendix 3), accordingly.
<b>Q 3.3.1</b>	/	Teessmouth and Cleveland Coast SPA	Can NE advise if it is content that the applicant's waterbird survey effort in [APP-208] and [AS-037] provides sufficient baseline understanding to undertake assessment. If there are any outstanding concerns, confirm what they are.	Natural England is satisfied with the level of survey effort undertaken for the project. We note that the Applicant has not provided maps with raw data of bird locations, which is normally provided for projects, however we note that the Applicant has provided locations of roost locations which we are satisfied with.
<b>Questions Table 3.1</b>				
<b>ID 3.1.2</b>	NE3	Teessmouth and Cleveland Coast SPA/Ramsar	The ExA understands that NE3 remains under discussion between the applicant and NE, and that NE proposes to comment on the applicant's updated information at DL6A. In doing so, the ExA welcomes confirmation of any remaining concerns (other than about the assessment method as outlined in NE2) and what further information is needed to address them.	<p><b>Permanent loss of Functionally Linked Land</b> Natural England disagrees with the statement made in Annex J – Section 6.2. Sectors 9 and 1) are used by significant numbers of SPA birds for an important behaviour (roosting – 28 herring gull in March 2022) essential to their survival. We regard the site as functionally linked and advise that the Applicant provides an assessment of this loss in the context of the wider environment and available habitat for roosting.</p> <p><b>Temporary Loss of Functionally Linked Land</b> Natural England confirms that it is satisfied with the information provided by the applicant regarding temporary loss of Functionally Linked Land.</p> <p><b>Restoration of temporarily lost functionally linked land</b> In Document Reference: 8.26 Applicant's Response to Deadline 4 Submissions and Compulsory Acquisition Regulations Relevant Representations (<a href="#">EN070009-001654-H2T DCO 8.26 Applicant's Responses to D4 submissions and CA Reg RR.pdf</a>) we note that the Applicant states that land to be temporarily lost will be restored immediately post works and that such works should not prevent use of the land by SPA birds. Natural England is satisfied with this and advises that this is secured by appropriate DCO requirement.</p>
<b>ID 3.1.4</b>	NE8	Teessmouth and Cleveland Coast SPA/Ramsar	Can NE comment on information in [REP5-051]. Does it have sufficient evidence to advise that AEoI can be excluded. If not, confirm what further information is needed.	NE accepts the conclusions of REP5-051 Appendix 2 regarding Blast Furnace Pools.
<b>ID 3.1.7</b>	NE12, NE18	Teessmouth and Cleveland Coast SPA/Ramsar	The ExA understands that these matters remain under discussion, and that NE proposes to comment on the applicant's updated information at DL6A. In doing so, the ExA welcomes confirmation of any remaining concerns and what further information is needed to address them. In responding please also refer to NE18.	Natural England can confirm that following discussion and further email clarification from the Applicant (04/02/2025 'NE12 & NE18 - Closed Loop System'), we are satisfied that our representations regarding aerial emissions (NE12) have been addressed. We do however reserve outstanding concerns regarding the disposal of the liquid amine waste associated with the process (NE18 – see QT .3.1.9a).
<b>QT 3.1.8a</b>	/	Teessmouth and Cleveland Coast SSSI	NE is requested to provide any evidence it holds that pollutant emissions and nitrogen deposition to the SSSI may have reduced relative to information on APIS.	The APIS (Air Pollution Information System) database provides the relevant up to date record of nitrogen deposition values across the country. Natural England does not hold any additional evidence on this subject.
<b>QT 3.1.8b</b>	NE31	Teessmouth and Cleveland Coast SPA/Ramsar	<b>The applicant</b> is requested to confirm if any mitigation is available to further reduce the contribution of the proposed development to nitrogen deposition at the SSSI and SPA.	Natural England notes that it has received the applicant's report on the implications for the SSSI regarding air quality matters and will issue comment by Deadline 8.
<b>QT 3.1.9a</b>	NE18, NE20, NE23	Teessmouth and Cleveland Coast SPA/Ramsar	Can NE confirm if it is content that the applicant's response in [REP3-006], NE18, NE20 and NE23, addressed its concerns relating to water contaminants	<p>Regarding NE18, whilst we acknowledge the applicant's evidence (email 04/02/2025 'NE12 &amp; NE18 - Closed Loop System') that any liquid amine waste will be managed and disposed of in an appropriately permitted manner, we would seek appropriate assurances that should this disposal take place within the Tees Nutrient Neutrality catchment, any additional nutrient loading as a result of the liquid discharges is calculated and appropriate mitigation provided. We will provide further comment on this at Deadline 8.</p> <p>Natural England can confirm we accept the applicant's evidence and that matters</p>

				NE20 and NE23 are resolved.
<b>ID 3.1.15</b>	NE25	Northumbria Coast SPA/Ramsar	The ExA understands that NE agreed on this matter but seeks confirmation as to any change in advice, as sought in Q2.5.1 of this RIES.	No change in our advice – please see answer to Q2.5.1
<b>3.4 Summary of examination outcomes in relation to adverse effects on integrity</b>				
<b>Q 3.4.1</b>	NE26	Teesmouth and Cleveland Coast SPA/Ramsar, North York Moors SAC/SPA, Durham Coast SAC, Northumbria Coast SPA/Ramsar, Berwickshire and Northumberland Coast SAC, Humber Estuary SAC, Southern North Sea SAC, The Wash and North Norfolk Coast SAC, River Tweed SAC, Tweed Estuary SAC	Confirm if the ExA's understanding as set out in annex 2 of this RIES is correct and advise on the position where the ExA has indicated it is unclear.	The Marine Mammal conclusion (NE26) for North Northumberland Coast SAC, the Humber Estuary SAC and the Wash and North Norfolk Coast SAC) was not correct at the time of publication, but the issue can now be considered closed.
<b>Q 3.4.2</b>	NE14, NE17, NE18, NE19,	Teesmouth and Cleveland Coast SPA/Ramsar	Confirm at DL7 if an AEol on all European sites from the proposed development alone or in-combination with other plans or projects can be excluded.	Natural England is satisfied that an AEol from this development alone can be excluded subject to mitigation being secured.  Natural England advises that internal discussions are ongoing regarding any potential in-combination impact from the development, and will provide an update regarding our position on, or before, Deadline 8.