

H2Teesside Project

Planning Inspectorate Reference: EN070009

Land within the boroughs of Redcar and Cleveland and Stockton-on-Tees, Teesside and within the borough of Hartlepool, County Durham

The H2 Teesside Order

Document Reference: 8.45 The Applicant's Environmental Position Statement



Applicant: H2 Teesside Ltd

Date: February 2025

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1.0 THE APPLICANT'S ENVIRONMENTAL POSITION STATEMENT

- 1.1.1 This document outlines the Applicant's Environmental Position Statement at Deadline 7A.
- 1.1.2 This is a summary document outlining the Applicant's position on Environmental matters with the following key statutory Environmental bodies:
- Natural England; and
 - Environment Agency.
- 1.1.3 All matters are now agreed with National Highways, including the wording of DCO requirements to control all matters which were raised as a concern by that body. As such, a table is not provided for National Highways.
- 1.1.4 The summary of agreed Relevant Representations agreed with Natural England is present in Table 1 below.
- 1.1.5 In summary, there are four unresolved relevant representation topics, two which are close to being resolved (NE2 and NE5) and two where the Applicant and Natural England do not agree (NE17 and NE31).

Table 1: Summary of Matters agreed with Natural England

RELEVANT REPRESENTATION / THE MATTER	HOW THE APPLICANT CONSIDERS THIS CLOSED
NE1: Risk of HDD Collapse/Leakage of Drilling Fluid to SPA Sites	The Applicant updated the Framework CEMP at Deadline 2 in response to Natural England's Relevant Representation. Natural England stated this matter as agreed at Deadline 4 [REP4-028].
NE3: Functionally Linked Land (FLL)	<p>In terms of the losses of FLL, the Report to Inform HRA [REP6a-012] reports that permanent habitat loss will be restricted to the main site and above ground installations (AGIs). For the purpose of this HRA, permanent habitat loss is considered to be habitat that will be unavailable to birds for the working life of the development. The locations of these areas are shown in Figure 16b. Where pipelines are above ground, it is anticipated that new pipelines will be installed in parallel on existing pipe racking or working to one side of the existing pipelines. As such, no new habitat loss is predicted at these locations.</p> <p>An assessment of the phasing of works and the availability / unavailability of FLL to birds over the duration of the construction period has been completed and presented in Annex J of the Report to Inform HRA [REP6a-012].</p>

<p>RELEVANT REPRESENTATION / THE MATTER</p>	<p>HOW THE APPLICANT CONSIDERS THIS CLOSED</p>
	<p>In terms of permanent loss of FLL on the Main Site, the Applicant has responded to Question 7 of the Inspectorate's Rule 17 letter [PD-021] and has also produced a Technical Note Assessment of Potential Losses of FLL within Terrestrial Habitat at Navigator Terminal contained in Appendix 1 of the Comments on Submissions received at Deadline 6A [REP7-024].</p> <p>The response to Question 7 of the Inspectorate's Rule 17 letter sets out the Applicant's position that Sectors 9 and 12 are not considered to be FLL and therefore do not play a significant role in the SPA. Furthermore, even if these sectors were considered FLL, the predicted changes in land use within these count sectors are not expected to result in significant losses of FLL or cause an AEoI on the SPA.</p> <p>In the Outline Landscape and Biodiversity Management Plan [REP7-021] submitted at Deadline 7, the Applicant confirmed the time required for habitats to reach target condition is considered to be the same as the timescales used in the DEFRA metric and committed to monitoring to check that target condition based on the timescales used in the DEFRA metric is being achieved. The Applicant further notes that land will be available for birds to forage after it has been backfilled.</p> <p>The Applicant's consideration of permanent loss of FLL during construction is considered in Paragraphs 6.2.8 to 6.2.13 of the Appropriate Assessment of the Report to Inform HRA [REP6a-012]. The Applicant's consideration of temporary loss of FLL during construction is considered in Paragraphs 6.3.1 to 6.3.26 of the Appropriate Assessment of the Report to Inform HRA [REP6a-012]. Annex J of the updated Report to Inform HRA submitted at D6A [REP6a-012] contains the Assessment of impacts upon the waterbird assemblage of the Teesmouth and Cleveland Coast SPA/Ramsar accounting for project works phases.</p> <p>The Applicant considers this matter is resolved in entirety, as a result of the updated Report to Inform HRA [REP6a-012] and Outline Landscape and Biodiversity Management Plan [REP7-021], barring the point around permanent loss of FLL at the Main Site, to which the Applicant has outlined its position in our response to Question 7 of the Inspectorate's Rule 17 letter [PD-021].</p>

RELEVANT REPRESENTATION / THE MATTER	HOW THE APPLICANT CONSIDERS THIS CLOSED
	<p>The Applicant considers this matter closed following the email from Natural England on 17 February 2025. Natural England has confirmed that it has no further comments on this Relevant Representation.</p>
NE4: Use of IECS 2013 'Waterbird disturbance mitigation toolkit'	<p>Agreed to be taken forward as part of NE5.</p>
NE6: Visual Screening	<p>The Applicant submitted an Updated Report to Inform Habitats Regulations Assessment (HRA) at Deadline 6A [REP6a-012] which considered visual screening matters.</p> <p>This included updates to Figures 14a and 14b have been made to show increased extents of acoustic and visual barriers.</p> <p>The Applicant considers this matter closed following the meeting on unresolved issues held on 17 February 2025. Natural England has confirmed that it has no further comments on this Relevant Representation.</p>
NE7: Quantification of operational visual disturbance sources	<p>The Applicant submitted an Updated Report to Inform Habitats Regulations Assessment (HRA) at Deadline 6A [REP6a-012].</p> <p>The Applicant's response at Deadline 7 to this matter [REP7-024], considering the Updated Report to Inform HRA concludes that noise and visual disturbance during operation is anticipated to be lower than that historically or currently experienced within the site and no LSE can be concluded.</p> <p>The Applicant considers this matter closed following the meeting on unresolved issues held on 17 February 2025. Natural England has confirmed that it has no further comments on this Relevant Representation.</p>
NE8: Sightlines from the Blast Furnace Pool	<p>The Applicant considers this matter to be closed by information provided in the Technical Note regarding Blast Furnace Sightlines submitted in Appendix 2 of the Applicant's D5 response [REP5-051]. The Applicant considers that this Appendix closes this matter by providing an assessment which considers the building layouts, positions and vertical scales on the Main Site as requested by NE.</p>

RELEVANT REPRESENTATION / THE MATTER	HOW THE APPLICANT CONSIDERS THIS CLOSED
	<p>Following the provision of further clarification by the Applicant at Deadline 5, this matter was agreed with Natural England as stated in the email provided by Natural England [REP7-038].</p>
<p>NE9: Construction Dust Assessment and Monitoring</p>	<p>The Applicant's view is human receptors are generally more sensitive to dust than ecosystems. Therefore, measures that control dust emissions for human receptors will by extension be sufficient in preventing dust coating of vegetation. The Applicant subsequently included a commitment in the Framework CEMP to consult with Natural England on the effectiveness of proposed measures (including monitoring) in reducing effects on designated sites.</p> <p>Natural England agreed this matter at Deadline 4 [REP4-028], subject to suitable provision within the Final CEMP. Page 30 of the Framework CEMP Revision 5 [REP7-009] secures this by stating that "Natural England must be consulted on measures to avoid adverse effects on integrity on protected sites from construction dust, prior to the finalisation of the Final CEMP(s)."</p>
<p>NE10: Ammonia emissions from vehicle and Acid Deposition</p>	<p>The Applicant considers this matter closed based on the following:</p> <p>The assessment of air quality impacts during construction and operation have focused on nesting habitat for nesting terns and avocet since these are the only air quality sensitive features for which the SPA is designated, with any impacts during construction being controlled through the Framework CEMP which includes good practice measures to avoid or minimise air quality impacts.</p> <p>It was agreed with Natural England to screen in construction air quality impacts for appropriate assessment, and to then provide rationale as to why there is no adverse effect on integrity. This revised methodology and conclusions of no AEoI were provided in the Deadline 5 iteration of the Report to Inform HRA.</p> <p>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</p>

RELEVANT REPRESENTATION / THE MATTER	HOW THE APPLICANT CONSIDERS THIS CLOSED
	<p>the higher critical level of 3µg/m³. The Applicant added this explanation to the Deadline 5 version of the HRA.</p> <p>The Applicant considers this matter closed following the meeting on unresolved issues held on 17 February 2025. Natural England has confirmed that it has no further comments on this Relevant Representation.</p>
NE11: Construction Emissions	<p>The Applicant included provision of further clarification within the responses to comments on written representations. Natural England stated this matter as agreed in their Deadline 4 submission [REP4-028] subject to suitable provisions within the Final CEMP and Preliminary Permitted Works (PPW) CEMP. The Framework CEMP specifies production of a PPW CEMP and a Final CEMP, this is secured by Requirement 15(1) and 15(2) in Schedule 2 of the draft DCO [REP6a-007].</p>
NE12: Sources of Operational Pollutants	<p>The Applicant has provided detailed clarifications of the closed loop process at Deadline 5. This was further supplemented during the ISH3 hearing, during which the Applicant committed to submitting a diagram which demonstrated the hydrogen production process and particularly the closed loop aspect of this. This was provided by the Applicant at Deadline 6a [REP6a-019]. The matter was agreed with Natural England as stated in the email provided by Natural England [REP7-038].</p>
NE13: Stack Height Determination	<p>Following the provision of further clarification by the Applicant at Deadline 1, this matter was agreed with Natural England at Deadline 2 [REP2-072].</p>
NE14: Cumulative and combined effects	<p>Following the provision of further clarification by the Applicant at Deadline 5, this matter was agreed with Natural England at Deadline 6A.</p>
NE15: Approach to HRA (Air Quality)	<p>This has been progressed as part of response to NE10, and therefore, the Applicant considers this matter closed following the meeting on unresolved issues held on 17 February 2025. Natural England has confirmed that it has no further comments on this Relevant Representation.</p>
NE16: Construction Dust Assessment and Monitoring	<p>This matter is set out in Section 10 of the Framework CEMP [REP7-009] and has been agreed with Natural England subject to the provision of suitable measures within the Final CEMP, as stated in Natural England's Deadline 4 submission [REP4-028]. The Framework CEMP specified production of a Final CEMP, this is secured by</p>

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	Requirement 15(1) and 15(2) in Schedule 2 of the draft DCO [REP6a-007].
NE19: Update in-combination assessment	<p>The Applicant considers this matter to be closed following the provision of an updated Report to Inform HRA at Deadline 5. The in-combination assessment within the Report to Inform HRA was updated at this Deadline to take account of an updated long list, used in an updated Cumulative Effects Assessment also submitted at Deadline 5.</p> <p>Natural England's feedback with regards to the in-combination assessment were taken into account and addressed as part of this update, with potential impact pathways considered alongside temporal overlaps with the other developments reported in the long list.</p> <p>With regards to NE's concerns at Deadline 6A relating to Noise, please refer to the Applicant's D7 response:</p> <p>"There can be a cumulative effect of noise from multiple sites, but as noise is measured on a logarithmic scale, the combined noise is logarithmically added together. For two equal noise sources there would be a 3dB increase. Given the generally localised nature of noise effects associated with the construction of each scheme, and provided each scheme complies with assigned noise and vibration limits and follows the general guidance contained within BS 5228-1 with respect to noise mitigation, it is considered unlikely that significant cumulative construction noise effects will occur.</p> <p>Section 7 of the HRA presents the in-combination assessment. In combination effects set out in this section have been assessed based upon the project information available on planning portals. However, it should be noted that the Applicant does not have access to detailed and/or up to date construction schedules, predicted noise levels or limits, or data such as bird counts for other developments either at all, or to the level of detail required, unless these have been published on those planning portals.</p> <p>The Applicant considers that a robust in-combination assessment has been completed."</p> <p>Furthermore, the Applicant has revised the Framework CEMP to ensure mitigation measures remain appropriate throughout the</p>

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	<p>evolution of the construction programme by amending the text in Table 8-6 as follows:</p> <p>‘The exact specification of noise and visual disturbance mitigation measures is subject to the detailed design of the Proposed Development.</p> <p>Finalised locations and specifications of mitigation measures for noise and visual disturbance, alongside proposals for monitoring (taking account of the final construction programme), must be detailed within a Bird Mitigation and Monitoring Plan (produced following consultation with Natural England) and incorporated into the Final CEMP(s).’</p> <p>The Applicant considers this matter closed following the meeting on unresolved issues held on 17 February 2025. Natural England has confirmed that it has no further comments on this Relevant Representation.</p>
<p>NE20: Water quality and nutrient neutrality</p>	<p>The selection of Option 2B as the option being taken forward for the Proposed Development has provided the necessary clarification to Natural England that inputs from the Proposed Development in isolation, as well as in-combination with the adjacent NZT project, are not sufficient to cause an increase in DIN such that would adversely impact the condition of the Tees Bay or the Tees Transitional Waterbody. This matter was stated as agreed in Natural England's Deadline 4 submission [REP4-028].</p> <p>Following on from this, to tackle the potential impact of liquid amine waste disposal, the Applicant has made the following update to Requirement 10 of the dDCO to ensure that liquid amine waste disposal takes place outside the Tees Nutrient Neutrality catchment:</p> <p>(4) The details submitted and approved pursuant to sub-paragraphs (1) and (3) of this requirement must—</p> <p>(a) be in substantial accordance with the mitigation measures set out in Chapter 9 of the Environmental Statement, Flood Risk Assessment, Indicative Surface Water Drainage Plan, Nutrient Neutrality Assessment, and Water Framework Directive Assessment;</p> <p>(b) in the case of the process effluent drainage system, provide that Case 1B, as described in the Nutrient Neutrality Assessment, is not to be used; and</p> <p>(c) provide that amines are not disposed of via a licensed facility into the Teesmouth and Cleveland Coast SPA and Ramsar Site.</p>

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NE21: Water quality and EIA evidence base	Following the provision of further clarification by the Applicant at Deadline 1, this matter was agreed with Natural England at Deadline 2 [REP2-072].
NE22: Water Quality Surface water run off impacts	Following the provision of further clarification by the Applicant at Deadline 1, this matter was agreed with Natural England at Deadline 2 [REP2-072].
NE23: Water quality discharged effluent	Following the confirmation from the Applicant that Appendix 9B includes combined modelling of the discharge of process water effluent and surface water runoff for the Proposed Development in isolation and cumulatively with NZT, both of which showed no significant impact on the water quality in Tees Bay, this matter was agreed with Natural England, as stated in Natural England's Deadline 4 submission [REP4-028]
NE24: Impact of acid deposition	The HRA was amended to address this point as part of the Report to Inform HRA submitted alongside Change Request 1 (CR1-023) . While the 'in combination' impact on North York Moors SAC/SPA exceeds 1% of the critical load, the contribution of H2T is less than 0.001% i.e. effectively zero. This matter was agreed with Natural England, as stated in Natural England's Deadline 4 submission [REP4-028].
NE25: Impact of Nitrogen deposition on qualifying species	Following clarification provided by the Applicant on the Durham Coast SAC at Deadline 1, Natural England agreed this matter in their Deadline 2 submission [REP2-072].
NE26: Noise disturbance - Seals	<p>The Applicant provided further clarification regarding seal disturbance at Deadline 6A as part of the Report to Inform Habitats Regulations Assessment, Annex I Second Technical Note produced for response to Natural England's Relevant Representation NE26 [REP6a-010].</p> <p>Seasonal restrictions for all works associated with the HDD crossing of Greatham Creek and noise reduction measures are secured via the Framework CEMP [REP6a-014].</p> <p>The matter was agreed with Natural England as stated in the email provided by Natural England [REP7-038].</p>
NE27: River Tweed SAC and Tweed Estuary SAC Impact on Atlantic salmon and sea lamprey (C and O)	Following further clarification, Natural England agreed that adverse effects on the integrity of these Habitats Sites can be ruled out, subject to the provision of a Lighting Strategy during the construction of the Proposed Development. This is secured in Requirement 6 of the Draft DCO [REP6a-007] and will be produced alongside the Final CEMP(s).

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NE28: Consideration of ammonia and acid deposition in the traffic assessment	<p>Progressed as part of response to NE10.</p> <p>The Applicant considers this matter closed following the meeting on unresolved issues held on 17 February 2025. Natural England has confirmed that it has no further comments on this Relevant Representation.</p>
NE29: Scope of Pollutants considered in the construction and operational assessments	<p>Progressed as part of response to NE10 and NE15.</p> <p>The Applicant considers this matter closed following the meeting on unresolved issues held on 17 February 2025. Natural England has confirmed that it has no further comments on this Relevant Representation.</p>
NE32: Bat Survey Effort	<p>The Applicant provided further clarification regarding the low roosting suitability of the trees within the Cowpen Bewley Woodland Park. Natural England agreed this matter at Deadline 4 [REP4-028].</p>
NE33: Water Vole Survey Effort	<p>The Applicant proposed to complete updated water vole surveys in 2025 in areas where nesting birds were a limitation. This would inform any licence application if required. The Applicant will consult Natural England as part of the licensing process if nesting birds present a continuing constraint to water vole surveys to agree a suitable approach to inform a licence (should one be required). Natural England agreed the approach outlined above at Deadline 4 [REP4-028].</p>
NE34: BNG Update	<p>Following the provision of further clarification by the Applicant at Deadline 5, this matter was agreed with Natural England at Deadline 6A.</p>
NE35: Soils and best and most versatile agricultural land	<p>Following the provision of further clarification by the Applicant at Deadline 5, this matter was agreed with Natural England as stated in the email provided by Natural England [REP7-038].</p>
NE36: Other valuable and sensitive habitats and species, landscapes and access routes	<p>Following the provision of further details on Viewpoint 7 from the Applicant at Deadlines 1 and 3, Natural England subsequently agreed this matter at Deadline 4 [REP4-028].</p>

1.1.6 The Applicants view on the status of Relevant Representations to be agreed with Natural England is presented in Table 2 below.

Table 2 Summary of Matters to be agreed with Natural England

RELEVANT REPRESENTATION / THE MATTER	HOW THE APPLICANT CONSIDERS THIS CLOSED
<p>NE2: Impact Assessment on Birds</p>	<p>The Applicant submitted an Updated Report to Inform Habitats Regulations Assessment (HRA) at Deadline 6A [REP6a-012].</p> <p>As part of the Updated Report to Inform HRA, 'Annex J: Assessment of impacts upon the waterbird assemblage of the Teesmouth and Cleveland Coast SPA/Ramsar accounting for project works phases' pertains specifically to Relevant Representation NE2.</p> <p>The new bird count methodology is set out in Section 2 of Annex J of the Deadline 6A Report to Inform HRA [REP6a-012]. This methodology was established following discussion with Natural England. This entails assessment using sectors but considers the effects on the whole SPA based on the construction work phases.</p> <p>The assessment is set out in Section 3 of Annex J of the Deadline 6A Report to Inform HRA [REP6a-012] and Annexes J1 to J4 outline the background data that contributed to these assessments (i.e. the peak counts and percentages of waterbird assemblage disturbed - these are the appendices referred to by the Applicant at Deadline 5 which outline the number of birds potentially disturbed during the programmed works).</p> <p>Where there is potential for works to occur simultaneously, this is assessed for visual and noise disturbance at the following locations:</p> <ul style="list-style-type: none"> - Tees Crossing - Greatham Creek - Cowpen Bewley / Stratera <p>This assessment can be found in Annex J where it specifically looks at percentages of sectors that potentially could be affected (modelled without mitigation and with mitigation) and in Annex K where LAm_{max} is assessed for concrete breaking and HDD set up; and concludes that no adverse effects on integrity arise.</p> <p>Natural England are broadly satisfied with the Applicant's approach. There is a question around operational maintenance and the Applicant is confident this can be closed by Deadline 8.</p> <p>.</p>

<p>RELEVANT REPRESENTATION / THE MATTER</p>	<p>HOW THE APPLICANT CONSIDERS THIS CLOSED</p>
<p>NE5: Noise Impact Assessment</p>	<p>The Applicant considers this matter closed based on the following:</p> <ul style="list-style-type: none"> - Revision 4 of the Report to Inform HRA [REP6a-010] includes a Technical Note on the response to Natural England RR NE5 regarding L_{Amax} at Annex K and a Technical Note which gives the response to Natural England RR NE5 regarding the modelling of acoustic barriers at Annex L. - Annex K of Revision 4 of the Report to Inform HRA [REP6a-010] describes the difference between L_{Amax} and L_{Aeq}, and clarifies that its focus is on L_{Amax} as requested by NE. Annex K assesses the activities identified to occur during construction of the Main Site, Temporary Construction Compounds and Hydrogen Pipeline Corridors, considering scenarios with and without mitigation. - Annex L of Revision 4 of the Report to Inform HRA [REP6a-010] goes into detail explaining which parameters were included in the modelling (including the height of the acoustic barriers, the plant list and the construction activities). This greater detail is intended to provide confidence to NE regarding the sufficiency of the noise mitigation measures through their modelling. - Revision 4 of the Report to Inform HRA [REP6a-010] includes an Assessment of impacts upon the waterbird assemblage of the Teesmouth and Cleveland Coast SPA/Ramsar accounting for project works phases at Annex J. This assessment considers the noise environment from the spatiotemporal perspective of the construction phasing across the entire Proposed Development site and includes assessment of birds that were considered initially by the Applicant to be habituated. - The L_{Amax} contours the Applicant refers to in the response at Deadline 5 [REP5-051] are presented in Figures K.1a to K.6d of Annex K of Revision 4 of the Report to Inform HRA [REP6a-010]. - In figures 18a - 18c, the L_{Aeq} impacts of the works associated with the pipeline crossing of the Tees are shown after mitigation is applied. They identify that mitigation provides a substantial reduction in noise impact compared to not using it. - Where models do include the 10dB reduction this has been clarified in the figure titles of Figure 18a to 22d

RELEVANT REPRESENTATION / THE MATTER	HOW THE APPLICANT CONSIDERS THIS CLOSED
	<p>Natural England are broadly satisfied with our approach. There is a question around operational maintenance and the Applicant is confident this can be closed by Deadline 8.</p>
<p>NE17: Nitrogen Deposition (Ndep)</p>	<p>The assessment of air quality impacts during construction and operation have focused on nesting habitat for nesting terns and avocet for the reasons outlined above, with any impacts during construction being controlled through the Framework CEMP which includes good practice measures to avoid or minimise air quality impacts.</p> <p>It was agreed with Natural England to screen in construction air quality impacts for appropriate assessment, and to then assess for any AEoI. This revised methodology and assessment was provided in the Deadline 5 iteration of the Report to Inform 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 added this explanation to the Deadline 5 version of the HRA [REP5-011].</p> <p>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.</p> <p>With regard to operational impacts on the SSSI, the Applicant had meetings with Natural England on 28th November and 4th December. At those meetings the Applicant clarified the reasoning 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.</p> <p>Notwithstanding any change in the critical load applied, the</p>

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	<p>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. 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.</p> <p>A meeting between Natural England (NE) and the Applicant was held on 17 February 2025.</p> <p>Regarding construction stage impacts NE provided feedback that 'construction traffic Nitrogen deposition would be 2% of the Critical Load from the project alone immediately adjacent to the road (<1% at 20m). It is highlighted that this would be temporary, and that critical loads are representative of long-term change. However, in this case "temporary" is 5 years – and it would add to a site already exceeding the critical load for those 5 years – therefore further information is needed to explain why there would not be harm in the specific locations identified adjacent to roads.'</p> <p>The applicant will work with NE to provide further information and resolve this point for Deadline 8.</p> <p>Relating to operation, NE agrees that the contribution of operational emissions from H2Teesside to nitrogen deposition impacts on SSSI interest features is very small (being 0.11 kgN/ha/yr for operational nitrogen deposition). NE does not agree with the Applicant's assessment that harm to the Teesmouth and Cleveland Coast SSSI is excluded. This is because of the impact on the designated vegetated features cumulatively with other development proposed or expected around Teesside.</p> <p>NE expressed the view that this cumulative effect requires mitigation particularly regarding nitrogen deposition on the SSSI. The Applicant maintains that, given the small contribution of the project to cumulative nitrogen deposition (i.e. a worst-case operational nitrogen deposition impact of 0.11 kgN/ha/yr or approximately 10% of the forecast cumulative impact), it is not proportionate for this project to assume responsibility for strategic mitigation addressing the cumulative effects of multiple developments. The Applicant will</p>

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	<p>set out its position on this matter in relation to NPS policy in its Deadline 8 submissions.</p> <p>Therefore, with the provision of updated iterations of the Report to Inform HRA and mitigation secured, the Applicant considers this matter has been adequately addressed.</p>
<p>NE31: Impact of pollutants at SSSIs including SSSIs underlying European designations</p>	<p>Impacts relating to the SSSI have been assessed as part of the ecology ES chapter [APP-064] and as part of the Change Report Application [CR1-044 + CR1-045]. 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.</p> <p>The Applicant also prepared a Report to Inform Assessment of Air Quality Impacts on Teesmouth and Cleveland Coast SSSI, submitted into the Examination at Deadline 7, bringing together all of its submission on these matters.</p> <p>A meeting between Natural England (NE) and the Applicant was held on 17 February 2025. Regarding construction stage impacts NE provided feedback that 'construction traffic Nitrogen deposition would be 2% of the Critical Load from the project alone immediately adjacent to the road (<1% at 20m). It is highlighted that this would be temporary, and that critical loads are representative of long-term change. However, in this case "temporary" is 5 years – and it would add to a site already exceeding the critical load for those 5 years – therefore further information is needed to explain why there would not be harm in the specific locations identified adjacent to roads.'</p> <p>The applicant will work with NE to provide further information and resolve this point for Deadline 8 .</p> <p>Relating to operation, NE agrees that the contribution of operational emissions from H2Teesside to nitrogen deposition impacts on SSSI interest features is very small (being 0.11 kgN/ha/yr for operational nitrogen deposition). NE does not agree with the Applicant's assessment that harm to the Teesmouth and Cleveland Coast SSSI is excluded. This is because of the impact on the designated vegetated</p>

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	<p>features cumulatively with other development proposed or expected around Teesside.</p> <p>NE expressed the view that this cumulative effect requires mitigation particularly regarding nitrogen deposition on the SSSI. The Applicant maintains that, given the small contribution of the project to cumulative nitrogen deposition (i.e. a worst-case operational nitrogen deposition impact of 0.11 kgN/ha/yr or approximately 10% of the forecast cumulative impact), it is not proportionate for this project to assume responsibility for strategic mitigation addressing the cumulative effects of multiple developments. The Applicant will set out its position on this matter in relation to NPS policy in its Deadline 8 submissions.</p>

1.1.7 The Applicants view on the status of Relevant Representations agreed with the Environment Agency is present in Table 3 below:

Table 3 Summary of Matters agreed with the Environment Agency

RELEVANT REPRESENTATION / THE MATTER	HOW THE APPLICANT CONSIDERS THIS CLOSED
DCO Requirements	It is understood that EA have no further comments on the DCO Requirements.
Eels Regulations	It is agreed that no abstraction from the estuary is proposed for the Proposed Development and therefore no Eels Regulations compliance issues have been identified.
Carbon Capture	It is agreed carbon capture performance will be dealt with as part of the site Environmental Permit and be part of the Process monitoring requirements.
Habitat Classification	It is agreed the Applicant's use of the Phase 1 habitat survey classification is suitable
Impact to Species	Following the production of an amended Framework CEMP submitted into the Examination at Deadline 2, it is agreed the issues raised by the EA regarding INNS, otter and water vole are being addressed appropriately.
Energy Efficiency	It is agreed the Applicant is considering appropriate technologies to maximise energy efficiency as part of the Proposed Development.
Flood Risk	EA1, EA2 and EA3 of the EAs Relevant Representation are now agreed as per the EAs Deadline 6 submission [REP6-008]. Details of any flood risk mitigation for the construction and operation of the Proposed Development will be provided as part of Requirement 11.
Water Quality Modelling Report	EA8 of the EAs Relevant Representation is now agreed as per the EAs Deadline 6 submission [REP6-008], following the provision of further clarifications on the water quality modelling undertaken for the Proposed Development
Habitat Enhancement	The Applicant is currently in discussions with a number of stakeholders regarding environmental enhancements however these are unlikely to be committed to before the end of the Examination process. The Applicant will continue dialogue with the EA beyond the Examination process on this matter.
Permitting	The Applicant's Environmental Permit application was confirmed as Duly Made on 6 December 2024.

RELEVANT REPRESENTATION / THE MATTER	HOW THE APPLICANT CONSIDERS THIS CLOSED
Adjacent Site Investigation	<p>This matter is now agreed between the two parties. Following the provision of further information from STBC and the EA, the Applicant was able to confirm there is no overlap between the Proposed Development and the site subject to a Part 2A Investigation, reported at Deadline 6a. The EA advised despite there being no overlap, there could still be contaminated land impacts and asked for further clarity on the works proposed in this area. The Applicant has subsequently advised the activities are not currently considered likely to involve ground breaking, but this cannot be confirmed at this stage (e.g. if foundations are needed for temporary buildings). However, to the extent that this such works are required, Requirement 12 of the DCO would apply and the Applicant would through this be able to confirm with the Environment Agency whether site investigation is needed, although this is considered unlikely at this stage.</p>

1.1.8 The Applicants view on the status of Relevant Representations to be agreed with the Environment Agency is presented in Table 4 below:

Table 4 Summary of Matters to be agreed with the Environment Agency

RELEVANT REPRESENTATION / THE MATTER	HOW THE APPLICANT CONSIDERS THIS CLOSED
Protective Provisions and Section 150 Consent	<p>The Applicant's legal team have reviewed the protective provisions provided by the Environment Agency and have made some amendments for the Environment Agency's consideration. The Applicant is working with the EA to resolve this as soon as possible, to allow section 150 consent to be able to be issued by the EA.</p>