

Date: 24 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

Natural England's response to questions as posed by the ExA in the Rule 17 letter

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 question outlined in the Rule 17 letter dated 19th February 2025. We hope you find our responses in Appendix 1 helpful in your determination.

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

Appendix 1: Natural England's comments in response to questions posed in the Rule 17 letter dated 19th February 2025

Questions/ matters raised under EPR Rule 17	Natural England Key Issues Reference	Question/ matter:	Natural England Response:
11	NE31	<p>The ExA notes NE's Key Point NE31, related to conclusions on effects from air quality emissions to Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI), still remains outstanding and is not agreed (See NE's DL7A update related to its comments on the SoCG [REP7a-061]).</p> <p>NE has reviewed the Report to Inform Assessment of Air Quality Impacts on Teesmouth and Cleveland Coast SSSI [REP7-027] and agreed Adverse Effect on Integrity to the SPA can be excluded based on the assessment, but does not agree that the assessment excludes harm to the SSSI due to impact on vegetated designated features cumulatively. It notes the project alone adds 1.1% of critical load for nitrogen deposition and 10.1% in-combination. It states no mitigation has been secured but points out it has previously advised on mitigation.</p> <p>The Applicant in response [REP7-027] suggests strategic action could be carried out but NE consider this approach not to be established and therefore cannot be relied on as mitigation for this project. The ExA notes the Applicant, in its response to second written questions concerning the Habitat Regulations Assessment [REP5-042], did not identify any non-strategic mitigation but made reference to Critical National Priority, as referred to in Paragraph 4.2.17 of NPS EN-1. The Applicant's Environmental Position Statement [REP7a-039] maintained it was a small contribution and not appropriate for the project to assume responsibility for strategic mitigation. It committed to setting out its position in relation to NPS policy at DL8.</p> <p>Please advise on how the Parties intend to resolve this matter.</p> <p>Does NE have any advice on project specific mitigation that could be implemented?</p>	<p>In our advice dated 11/12/24 to the Applicant (by email), Natural England provided advice on potential avoidance and mitigation options that could be explored by the Applicant to resolve this issue, which consisted of:</p> <ol style="list-style-type: none"> 1. Impacts to firstly be avoided and for emissions to be reduced using relevant abatement techniques and/or operating restrictions to avoid cumulative air quality impacts on the SSSI as a result of nitrogen deposition. Appropriate evidence would need to be provided on how such techniques adequately reduce the n-deposition levels sufficiently. 2. If such measures do not reduce emissions sufficiently, then it is our opinion that mitigation is required. Such could include working with other industries or landowners to reduce their emissions (for example by retrofitting abatement techniques) to reduce the background levels of nitrogen sufficiently to create adequate headroom to enable H2 Teesside to proceed without contributing to net increases in n-deposition on the sand dune habitats in SSSI. Any mitigation of this type would require air quality data of current emissions and modelling of emissions with the mitigation applied to evidence that emissions will be reduced sufficiently on the designated site. 3. Any mitigation needs to be secured by DCO requirement. <p>It is our opinion that suitable mitigation has not been identified or proposed by the Applicant, and therefore Natural England's advice remains that mitigation is required for the cumulative air quality impacts as a result of n-deposition on the SSSI sand dune habitats.</p>