

Natural England's key to RAG status	Risk
<p>Purple</p> <p>Note for Examiners and/or competent authority. May relate to DCO/DML.</p>	
<p>Red</p> <p>Natural England considers that unless these issues are resolved it will have to advise that (in relation to any one of them, and as appropriate) it is not possible to ascertain that the project will not affect the integrity of an SAC/SPA and/or comply fully with the Environmental Impact Assessment requirements and/or avoid significant adverse effect on landscape/seascape, unless the following are satisfactorily provided:</p> <ul style="list-style-type: none"> new baseline data; significant design changes; and/or significant mitigation; <p>Natural England feels that issues given Red status are so complex, or require the provision of so much outstanding information, that they are unlikely to be resolved during examination, and respectfully suggests that they be addressed beforehand.</p>	
<p>Amber</p> <p>Natural England considers that if these issues are not addressed or resolved by the end of examination then they would become a Red risk as set out above. Likely to relate to fundamental issues with assessment or methodology which could be rectified; preferably before examination.</p>	
<p>Yellow</p> <p>These are issues/comments where Natural England doesn't agree with the Applicant's position or approach. We would flag these at the PEI stage with the view that they would be addressed in the Application. But otherwise we are satisfied for <u>this particular project</u> that it will not make a material difference to our advice or the outcome of the decision-making process. However, it should be noted that this may not be the case for other projects. Therefore it should be noted by interested parties that just because these issues/comments are not raised as part of our Relevant Representations in this instance it should not be understood or inferred that in other cases or circumstances Natural England will take this approach. Furthermore, these may become issues should further evidence be presented.</p>	
<p>Green</p> <p>Natural England supports the Applicant's approach.</p>	
<p>Grey</p> <p>These are issues/comments where the matter is closed.</p>	



No.	Natural England's Relevant Representation - Appendix E - Terrestrial Ecology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status D1	Consultation, actions, progression	RAG status D2	Consultation, actions, progression	RAG status D3	Consultation, actions, progression	RAG status D5	Consultation, actions, progression	RAG status D6
Appendix E - Terrestrial Ecology												
Environmental Statement - Chapter 5 – Project Description												
1	Design of new footbridge along the Roman Bank (sea bank) ECP – the new footpath alignment will alter the route of the ECP further inland. Natural England advises that full consultation would be required if the route were to be changed including an Appropriate Assessment.		Natural England have recommended that the Applicant continues to consult the English Coastal Path team on this issue and fully considers the implications of alterations to the route.		Please see Appendix E2 Deadline 2		NE note that in ISH2 the Applicant explained why they could not consider our ECP proposal. We will respond to any documents through examination.		Please see NE Deadline 5 Appendix E3.		N/A	
2	Fig. 5.3 shows English Coast Path – which is being diverted inland away from the channel.										N/A	
Environmental Statement - Chapter 12 – Terrestrial Ecology												
3	Natural England confirms that we believe that the surveys appear adequate. We agree that the surveys show low numbers of common species – Soprano Pipestrelle & Common Pipestrelle. Whilst we agree that the area concerned is low quality scrub/grass areas within existing industrial units, there is no indication of the route of transects so it is unknown if any bats are crossing the river when foraging.		Natural England have suggested that further right Bank transect may be required to assess this further.		No update		No update		We are waiting for NE specialist feedback on this matter.		Information regarding the route of 4 transects has been included at paragraph 5.1.3. of the updated OLEMS [REP3-008] and illustrated at Appendix 2 (drawing PB6934-RHD-01-ZZ-DR-4023). However, there are no details of any right bank transects. Is the Applicant intending to carry out this additional suggested transect? We note at 1.7 that the specific location and type of bird and/or bat box will be determined by a suitably qualified ecologist prior to the implementation of the final landscape mitigation planting scheme.	
4	Natural England queries if materials are to arrive by river would this be only during daylight hours to minimise light pollution affecting bat behaviour? If not, then the light pollution sections need updating to include potential light pollution from vessels.		Natural England have asked for further clarification to confirm if vessels will be transiting at night and if yes provide an updated assessment.		No update		No update		We are waiting for NE specialist feedback on this matter.		No further update received	



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5	Mitigation includes low pressure sodium lighting, locating lights away from areas used by bats. Ambient night-time levels to be maintained. Planting of new linear features around site boundary away from lighting. Bat enhancement features: bat boxes on retained trees. Additional planting incorporated into design that encourage bat foraging. All appropriate.		Natural England need to see more detailed plans which show new additional planting, locations & numbers of bat boxes. In addition, consideration should be given to motion operated lighting rather than 24/7.		No update		No update		Natural England notes that an additional figure is provided in the OLEMS [REP3-008] updated at Deadline 3 (Appendix 2). This figure also includes additional planting and bat box locations. As a principle of the Outline Lighting Strategy, which will be secured through Requirement 17 of the DCO, Operational Lighting Scheme motion sensors will be used to ensure lighting is only used when needed. We are waiting for NE specialist feedback on this matter.		No further update received	
6.4.11. Appendix 12.1 Extended Phase 1 Habitat Report												
6	Natural England notes that it is stated that the Facility will result in areas of habitat being lost. The north-eastern extent of the Facility adjoins Coastal Saltmarsh and Mudflat Priority Habitat. The Facility will involve a localised loss of these habitats (0.99 ha and 1.54 ha respectively) to accommodate the proposed wharf facilities on The Haven for feedstock delivery. This loss of Priority Habitat would account for a very small proportion of the overall saltmarsh and mudflat habitat locally. However, Natural England advises that any loss would need to be addressed in the form of Biodiversity next gain and replacement areas.		Natural England disagrees with the Applicant about the scale of the impact and, as set out in Appendix B, further detail is required.		No update		Please see Appendix J1 at Deadline 3 for NE's advice on compensation.		Please see NE Deadline 5 Appendix J2.		N/A	



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7	The hedgerows and woodland habitats within the survey area provide suitable foraging and commuting habitat for bats. As the proposed facility will require the removal of these habitats, we advise that further surveys to understand their current usage by foraging/commuting bats will be required. In addition, mitigation measures will need to be considered during the construction and operational phases of the Facility to minimise impacts to local bat populations. We advise that these measures are provided in principle now to give the Examining Authority comfort that impacts to protected species can be mitigated for.		The Applicant must provide further detail on in-principle mitigation measures which could be adopted to remove significant impact to protected species.		No update		No update		We are waiting for NE specialist feedback on this matter.		No further update received	
8	We note that there are suitable habitats within the survey area for which reptiles could use. No further reptile survey will be required; however, mitigation measures will need to be considered during the construction and operational phases of the proposed facility to minimise impacts to local reptile populations. We advise that these measures are provided in principle now to give the Examining Authority comfort that impacts to protected species can be mitigated for.		The Applicant must provide further detail on in-principle mitigation measures which could be adopted to remove significant impact to protected species.		No update		Natural England have reviewed the Outline Reptile Precautionary Method of Working (PMoW) [REP2-015]. Please see point 3 of cover letter.					
9	The proposed facility will result in direct and indirect impacts to birds because of disturbance and habitat loss. Therefore, mitigation measures will need to be considered during the construction and operational phases of development to minimise impacts to local bird populations.		The Applicant must provide further detail on in-principle mitigation measures which could be adopted to remove significant impact to protected species.		No update		No update		No update		N/A	



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10	The grassland, scrub, trees, and woodland on site may support common species of terrestrial invertebrates. The tidal River Witham and mudflats may also provide suitable habitat for common species of aquatic invertebrates. No further surveys are required for invertebrate species, but mitigation measures are recommended during the construction and operational phases of the Facility to minimise impacts to invertebrate populations which is a key prey resource to Annex I birds.		Natural England have asked to see how this will be provided and secured before we can be certain that impacts have been avoided, reduced, and mitigated to acceptable levels.		No update		No update		We are waiting for NE specialist feedback on this matter.		Information on mitigation measures for terrestrial and aquatic invertebrates during construction and operation phases within the Principal Application Site has now been included at paragraphs 7.2.12 to 7.2.14 of the updated OLEMS [REP3-008].	
11	Natural England notes that no evidence for the presence of badgers, otters or water voles was detected during the surveys in 2017 and 2018 - General Ecological Awareness is detailed in section A12.13 which will be followed.		Natural England have advised that Preconstruction surveys would need to be carried out to verify presence or absence of these species. This will need to be captured in the in-principle plans		No update		No update		Natural England advises that there should be a secured commitment to under take preconstruction surveys for all protected species which will need to be discharged by the Local Planning Authority in consultations with the relevant SNCB.		N/A	
Chapter 19 Traffic and Transport												
12	The England Coast Path team at Natural England has been consulted on the diversion routes. During the construction, the following footpath sections would be permanently closed: BOST/14/4, BOST/14/10 and BOST/14/5. The closure would also affect the England Coast Path route which follows these footpaths, as does Macmillan Way (which is a series of inter-connected footpaths). The diversion for these route closures would follow the route of an existing footpath, which follows the route of Roman Bank (also known as 'Sea Bank') along footpath sections BOST/14/11 and BOST/14/9.		Natural England requires clarification regarding the diversion of the England Coast Path. Any proposed changes would require a full consultation and Appropriate Assessment in its own right.		No update		Please see point 1.		Please see point 1.		N/A	