



No.	Natural England's Relevant Representation - Appendix B - Offshore Ornithology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status at D1	Consultation, actions, progression	RAG status D2	Consultation, actions, progression	RAG status D3	Consultation, actions, progression	RAG status D5	Consultation, actions, progression	RAG status D7
Appendix B - Offshore Ornithology												
Environmental Statement - Chapter 17 - Marine and Coastal Ecology												
1	Please be advised that bird data required for March to June 2021 has not yet been submitted. Natural England advises for birds, a minimum of two years site specific data is collected to allow for variation in bird use between years.		The Applicant informed NE that they will include additional bird data and updated analysis in a HRA addendum (in writing on 13th August). We will respond to this through the examination process.		The Applicant submitted an Ornithology Addendum at Deadline 1 [REP1-026]. We welcome the additional survey data provided. While not representing two full years survey, as is best practise, the additional data does extend the surveyed period considerably and it now includes part of two winter seasons. However there still remains considerable evidence gaps relating to Annex I passage birds		No update.		The Applicant submitted Autumn passage bird survey data submitted at Deadline 3 [REP3-019]. However, there is still not a complete data set.		No update	
2	Natural England queries why citation text and list SPA species isn't fully utilised as well as SSSI features. For example, no mention of key species <i>i.e.</i> breeding Redshank and littoral sediment, SM4-28 saltmarsh etc.		The Applicant informed NE (in writing on 13th August) that this will be reviewed in the documents but the ES/HRA has discussed species/habitats that are likely to be affected. NE responded (in writing on 13th Sept) that we will be guided by the ExA on this as other NSIPs have been requested to submit the relevant site information in the past.		The Applicant submitted an Ornithology Addendum at Deadline 1 [REP1-026]. NE note that consideration has been given to impacts on a number of individual species which form features of the site, but there has been no assessment of the impacts to Annex I non-breeding waterfowl assemblage as a feature in its own right. This matter remains outstanding.		No update.		No update.		No update	
3	Natural England notes that Redshank are shown as absent in table between April and July. However, we advise that they should be shown as present as they breed on The Wash. Also, Ringed Plover is missing a month, and this should be checked to be correct.		The Applicant informed NE (in writing on 13th Aug) that Redshank are "not designated as a breeding species as the size of the breeding population, although 'undoubtedly of national importance', had yet to be assessed." NE responded to say that breeding redshank are a notified feature of The Wash SSSI and impacts on the feature need to be considered further (even if outside the HRA).		NE note that REP1-026 includes redshank as a breeding species as a feature of The Wash SSSI. We note the document states that breeding redshank were not recorded during any of the surveys undertaken and that is why they are absent April-July. However, Natural England queries the outcome of this data.		No update.		No update.		No update	



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4	Natural England acknowledges that monitoring by an ornithologist was undertaken for the EA Boston Haven embankment works for activities carried out during the autumn/spring passage and overwinter. Monitoring considered noise and visual disturbance and recorded species, numbers, and bird behaviour. A stop trigger (based on 1% of the cited SPA numbers) was used when works were noted to show disturbance. At that time a 500m monitoring zone was required. For this project a 250m zone has been suggested based on the data collected. We advise that this appears to be appropriate for BAEF considering the distance from the SPA and the reduced numbers of birds using the upper stretches of The Haven; but note data has shown numbers of Ruff and Redshank in Area A and B have exceeded the 1% threshold during monitoring so assurances that the buffer remain correct for these species is required.		Natural England awaits a demonstration that the proposed 250m buffer zone is fit for purpose for ruff and redshank. The Applicant has informed NE that "buffer zones work to avoid and minimise disturbance, Cutts et al (2008) provides peer reviewed data on disturbance for waders. NE responded (on 13th Sept) to state that while Cutts et al. may be appropriate for identifying generic distances where no better data exists, disturbance and habituation are often subject to site specific variation. Some data had been collected as part of the bird surveys it would be appropriate to review behavioural response information to see how distances compare at this site and whether following Cutts et al is appropriate; precautionary; or not-precautionary enough.		This matter remains under discussion.		No update.		NE welcomes the recognition of ruff as well as redshank as a species of concern at the development site and concurs with this assessment. Compensation will be required for ruff. But this could be the same, as the yet to be agreed, compensation for Redshank.		Natural England will review Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Deadline 8.	
5	Natural England notes that within the Haven there are likely to be seven SPA species likely to be disturbed by increased boat traffic i.e. dark-bellied brent goose, shelduck, lapwing, dunlin, black-tailed godwit, redshank, and turnstone.		The Applicant informed NE (in writing on 13th Aug) that an addendum to the HRA and a without prejudice derogation case will be submitted into examination. We will advise further once received.		Natural England awaits further information, this issue is ongoing.		No update.		No update.		Please see NE Deadline 7 Appendix B4 on impacts from increased vessel movements.	
6	Natural England is concerned that disturbance to roosts at the mouth of the Haven may affect 24 species including 8 at greater than 1% of site population.		See issue 4 and 5.		Please see section 1 of Appendix B2 at Deadline 2.		No update.		No update.		Please see NE Deadline 7 Appendix B4	



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7	<p>Natural England notes that the area likely to be disturbed by the proposed works include:</p> <ul style="list-style-type: none"> • golden plover and black-tailed godwit at over 20% of The Wash SPA total and over 2000 individuals; and • lapwing 7.5% and 1100 individuals. <p>Therefore, we consider this to be an important area of supporting habitat of The Wash SPA. Natural England advises that an Adverse effect on integrity can't be excluded beyond all reasonable scientific doubt.</p>		See response to 5 re disturbance. The Applicant informed NE (in writing on 13th Aug) that additional disturbance could occur to golden plover and lapwing as they appear to remain at the site of initial disturbance and the work above on energy budgets. If a significant impact is concluded from the additional energy budgets required by these species then mitigation would be recommended. NE responded (on 13th Sept) to state that if there are considered to be significant energy budget implications that cannot be avoided or reduced to acceptable levels this is likely to require 'compensation' not 'mitigation'.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		No update.		No update.		Please see NE Deadline 7 Appendix B4.	
8	<p>Natural England notes that it is recognised that birds are sensitive to boat disturbance.</p>		See issue 5.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		No update.		No update.		Please see NE Deadline 7 Appendix B4 on impacts from increased vessel movements.	
9	<p>Natural England agrees that displaced birds of some species fly 125-800m to alternate roosts. However, it is not clear if the alternative roost/s can accommodate all individuals of all species. But we note that there is also no information on the quality of alternative roosts and if these are secondary and only used as a second choice when their preferred area is not available for whatever reason.</p>		Natural England await relevant documents on this issue.		Please see issue 7.		No update.		No update.		Please see NE Deadline 7 Appendix B4 in relation to the requirement for more than one area	



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10	Natural England notes that phasing of boats up the Haven is identified, but how traffic down the Haven will be managed is not discussed. Natural England is concerned that birds would be at risk of being repeatedly pushed around over each high tide cycle.		The Applicant informed NE (in writing on 13th Aug) that if measures are available that could be implemented to reduce the occurrences of disturbance, they will be incorporated into the addendum to the HRA and secured through an appropriate mechanism in the DCO. NE advised that this mitigation needs to be captured within the DCO/dML. We await further information to be provided by the Applicant.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		No update.		No update.		Please see NE Deadline 7 Appendix F4 in relation to impacts at the Mouth of The Haven. Noting that impacts along the Haven are only covered in part in relation to the mitigation areas	
11	Please be advised that most birds relocate on disturbance, but some species repeatedly return e.g. Lapwing and golden plover. Therefore, we believe that there is the potential for repeated disturbance impacts on same individuals.		The Applicant informed NE (in writing on 13th Aug) that this is acknowledged in the ES and HRA but we advised a fuller assessment is required.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		No update.		No update.		Please see NE Deadline 7 Appendix B4.	
12	Natural England notes that it is recognised that some species abandon roosts after disturbance e.g. Oystercatcher; redshank; black-t godwit. But this is contradictory to the HRA wording.		NE were informed that the wording within the HRA is being reviewed. NE will respond to the addendum to the HRA through the examination process.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		No update.		No update.		No update	



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13	Natural England advises that, for species, which return to the roost it is likely to take more than 120 sec to pass by the roost from first disturbance to departure. Note this is equivalent to a flight of approx. 1.8km (based on 15m/s = 1800m per 120 secs (Hedenström, A. & Åkesson, S. (2017). <i>Flight speed adjustment by three wader species in relation to winds and flock size</i> . Animal Behaviour, 134, 209-215.)).		The Applicant informed NE "The flight times carry greater certainty than flight routes as they were directly measured by the field surveyor. A worst case flight time of 120 s, 30-100% higher than the typical flight times (60-90 s), has subsequently been used in calculations of energetic demand per disturbance flight, therefore the methodology has employed caution and should not impact on the relevance of resultant calculations." We advised that "calculations that reflect the distance flown by the birds (time in flight x flight speed) are likely to be more informative with reference to energy budgets than straight line distances between take-off and landing points." We await further correspondence from the Applicant.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		No update.		No update.		No update	
14	Natural England notes that under calculation of energetic consequence of disturbance reference to Krist et al (2001) and Collop et al (2016 are seemingly missing.		The Applicant has informed NE this will be reflected in the addendum to the HRA and submitted into examination.		NE note this has been updated in REP1-026.							
15	Natural England is concerned in relation to energy lost per flush which is quantified for repeatedly disturbed golden plover and lapwing. Range 0.39-0.51%.		The Applicant has informed NE this will be reflected in the addendum to the HRA and submitted into examination.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		No update.		No update.		Please see NE Deadline 7 Appendix B4 with particular focus on Golden Plover	



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16	Natural England is concerned that the daily loss of additional 2% energy input may be significant for species at the edge of their energy balance either as a default e.g. Black-tailed godwit (for which birds on the Wash have a negative daily energy budget in winter (Alves et al - Ecology, 94(1), 2013, pp. 11–17) or under certain conditions e.g. severe weather. Potential need for 2% increase in energy intake cannot be dismissed as insignificant or trivial.		The Applicant has informed NE this will be reflected in the addendum to the HRA and submitted into examination.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		No update.		No update.		No update	
17	Natural England notes that the displacement of 6980 birds is argued as being beneficial as birds are not present to be repeatedly disturbed. However, this is contradictory to the conservation objectives for The Wash SPA and HRA expectation that distribution of features within the designated site should not be affected. Therefore, we advise that the conservation objectives for the site are being hindered and an adverse effect on integrity can be ruled out.		We await proposed compensation measures that will need to be considered as part of a derogations case.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		No update.		No update.		Natural England will review Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Deadline 8.	
18	Whilst Natural England agrees that some level of habituation may currently be occurring, there is no evidence presented to support the argument that this will be the case from a significant more than doubling of vessel disturbance, especially if preferred supporting habitat is also lost.		We advise that impacts are avoided, reduced, and mitigated to acceptable levels and where that is not possible compensation measures must be provided.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		Please see Appendix J1 at Deadline 3 for NE's advice on compensation.		No update.		Natural England will review Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Deadline 8.	
19	Natural England is unaware of any supportive evidence to say that night-time vessel movement would be less disturbing.		The Applicant has informed NE this will be reflected in the addendum to the HRA and submitted into examination.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		No update.		The assessment has considered the worst case scenario that there would be the same level of disturbance during the day and night. However the scale of the impacts remains a concern.		No update	



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20	Natural England requests confirmation from the Applicant that with the traffic increase the current 20% of days (equivalent 46 days/yr) that are quiet would be lost. Natural England also advises that clarity is also sought on the potential for further increases in disturbance during all high tides from vessels movements i.e. will the proposed works take the Haven to the maximum carrying capacity? How would potential increases in boat traffic over the lifetime of the project be taken into account?		Natural England have been informed (through writing on 13th August) that this will be clarified in future submissions.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		No update.		No update. Natural England remains concerned about vessels movements as per D3 responses.		Please see NE Deadline 7 Appendix B4.	
21	Natural England notes proposals to enhance saltmarsh for redshank. And agrees that capital works are appropriate, but mechanism to maintain the works permanently are not identified. Please be advised that works will require (1) annual management to prevent succession to poor quality (for redshank) saltmarsh; and (2) a mechanism to prevent access and associated disturbance from users of the nearby footpath. Furthermore, the proposed roost is likely to be subject to vessel disturbance which may compromise its functionality as an alternate roost.		Further consideration is required in relation to the suitability of any compensation measures.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		Please see Appendix J1 at Deadline 3 for NE's advice on compensation.		Please see NE Appendix J2 at Deadline 5.		Natural England will review Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Deadline 8.	
22a	Natural England notes that the Applicant proposes to create additional mudflat with extra 10% over area lost. We require further evidence on the suitability of any chosen location/s proposed to compensate for supporting habitat lost.		We will continue to engage with the Applicant on this issue.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		Please see Appendix J1 at Deadline 3 for NE's advice on compensation.		Please see NE Appendix J2 at Deadline 5.		Natural England will review Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Deadline 8.	



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22b	It can be reasonably expected to provide foraging habitat for redshank, the limitations for them utilising the area should also be noted. For example, the location is remote from the area of lost feeding and identified roost mitigation, so will require access to a roost area if it is to support function for redshank.		NE would like further clarity on the impacts of the proposed mitigation works for Redshank on the saltmarsh habitat e.g. there will be further loss (although limited) of saltmarsh habitat through the creation of scrapes.		NE note the need to manage the proposed alternative roost site with redshank-specific features and to undertake annual maintenance to secure the roost habitat has been acknowledged in REP1-026. However, our advice remains unchanged.		Please see Appendix J1 at Deadline 3 for NE's advice on compensation.		Please see NE Appendix J2 at Deadline 5.		Natural England will review Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Deadline 8.	
22c	We note that a site and detailed proposal are not available at the current time and therefore we would welcome this information as soon as possible.		NE have been informed that further measures within and close to the mouth of The Haven are subject to further discussion once the potential area to compensate is defined. We will respond once documents are submitted into examination.		We will continue to engage with the Applicant on this issue.		No update.		No update.		Natural England will review Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Deadline 8.	
22d	We advise that there is some evidence that recreated mudflats can be of good quality (Lucas, M., Lucas, M. & Mike, E. (2013). The value of wader foraging behaviour study to assess the success of restored intertidal areas. Estuarine, Coastal and Shelf Science, 131, 1-5.) which provides reassurance.		RHDHV have been involved in studies to monitor created mudflat and have observed colonisation on such areas which have provided foraging areas for birds. NE queries how this has been taken into consideration for the project proposal?		We will continue to engage with the Applicant on this issue.		Please see Appendix J1 at Deadline 3 for NE's advice on compensation.		Please see NE Appendix J2 at Deadline 5.		Natural England will review Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Deadline 8.	
Outline Landscape and Ecological Mitigation Strategy												
23	Natural England advises that there appears to be an omission of mudflat and saltmarsh from calculations, which need addressing given this is also supporting habitats/functionally linked land for SPA birds.		NE awaits an updated OLEMS.		NE awaits an updated OLEMS.		NE awaits an updated OLEMS.		Please see NE Appendix J2 at Deadline 5.		No update	
24	Is saltmarsh being classified as intertidal here in appendix 1 of the OLEMS?		NE awaits an updated OLEMS.		NE awaits an updated OLEMS.		NE awaits an updated OLEMS.		This issue is now closed based on latest version of OLEMS.			



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25	Summary of proposals for roost compensation: We advise that proposals need amending to reflect the need for annual habitat management and the need to manage disturbance (both people and boats) if this is to work. Ownership of (any) shooting rights is important to know and not articulated.		NE awaits an updated OLEMS.		NE awaits an updated OLEMS.		NE awaits an updated OLEMS.		Please see NE Appendix J2 at Deadline 5. Natural England advises that local wildfowling groups should be contacted in relation to shooting rights.		Natural England will review Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Deadline 8.	
26	Mudflat compensation 'not negotiated yet': we advise that there are no guarantees that the mudflat as a habitat will be suitable for foraging redshank; as not negotiated no certainty of delivery.		NE awaits an updated OLEMS.		NE awaits an updated OLEMS.		NE awaits an updated OLEMS.		Please see NE Appendix J2 at Deadline 5.		Natural England will review Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Deadline 8.	
Environmental Statement - Habitats Regulations Assessment												
27	Natural England acknowledges that the Applicant has confirmed that birds in the Haven are disturbed by vessels. But does not recognise that this will apply to the 'mitigation' roost area. And again, clarity is need in relation to vessel trip numbers etc.		Natural England awaits a further assessment of disturbance impacts from vessels.		NE note REP1-026 states alternative locations are being sought in order to provide additional locations for roosting birds, particularly redshank. We await an update on this issue.		Please see Appendix J1 at Deadline 3 for NE's advice on compensation.		Please see NE Appendix B3.		Please see NE Deadline 7 Appendix B4.	
28	Natural England notes that the loss of feeding grounds for 14-27 redshank has not been compensated for, and as a species that is site loyal in winter there is no evidence to support the assumption that they will relocate to adjacent areas. It is not clear if the Haven is at capacity or not for its redshank population. As a Functionally Linked Population this will have a bearing on the Wash population, although as a relatively small part of the wider population and relatively distant from the SPA. It may, or may not be, of low risk to integrity. Scheme should be aiming to compensate for this loss to mitigate impact on SPA.		Natural England awaits consultation on a compensation package.		Natural England awaits consultation on a compensation package.		Please see Appendix J1 at Deadline 3 for NE's advice on compensation.		This issue remains outstanding		Please see NE Deadline 7 Appendix B4.	



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29	Natural England disagrees with the loss of foraging being dismissed as low risk.		Please see above point.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		Please see Appendix J1 at Deadline 3 for NE's advice on compensation.		No update.		Please see NE Deadline 7 Appendix B4.	
30	Natural England advises that the quality of saltmarsh as a biological community is not the issue for redshank – suitability as a roost is. This is more dependent on physical than botanical community aspects of the site. This will require active management and a monitoring regime that can feed into adaptive management. In the event that the disturbance caused by boats negates the value of the habitat enhancement.		The Applicant informed NE " the mitigation proposed is designed to provide additional roosting areas ... The redshank in this area seem to prefer roosting on the rocks in the transition between marsh and mudflat. As discussed above the Habitat Mitigation Area is located to be outwith the predicted zone for disturbance from the operational facility." This remains a concern for NE.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		Please see Appendix J1 at Deadline 3 for NE's advice on compensation.		Please see NE Appendix J2 at Deadline 5.		Please see NE Deadline 7 Appendix B4 point 4.2.7.	
31	Natural England advises that the current description of proposed works to compensate for loss of habitat important to redshank is insufficient to have confidence that it will deliver the necessary compensation at the scale required.		NE await updated documents (addendum to HRA and OLEMS).		Natural England awaits consultation on a compensation package.		Please see Appendix J1 at Deadline 3 for NE's advice on compensation.		No update.		Natural England will review Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Deadline 8.	
32	Natural England advises that species identified at risk as individual features, are not combined to risk to assemblage features from these 8, plus those at A17.6.46.		Natural England awaits further evidence and assessment to support HRA statements.		Natural England also notes that REP1-026 gives consideration to impacts on a number of individual species which form features of the site, no assessment is made of the non-breeding waterfowl assemblage as a feature in its own right.		No update.		No update.		No update	



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33	Natural England notes that the period of disturbance limited to 1-3.5 hrs around high tide, which has been characterised by the Applicant as minimising risk. However, Natural England disagrees. This period is when alternate sites will be most limited so the most critical for roosting birds.		The Applicant has informed NE "The period of disturbance is restricted through the limitation of draft for the vessels entering and leaving The Haven. This does minimise the risk as large vessels will not be able to access The Haven at other times of the tidal cycle. This is when birds currently utilise the alternate roost sites as observed during the disturbance surveys undertaken at the mouth of The Haven". NE advice remains unchanged.		Our advice remains unchanged.		Our advice remains unchanged.		Our advice remains unchanged.		Please see NE Deadline 7 Appendix B4.	
34	Natural England advises that the Applicants assumption that when redshank leave the roost, they are no longer disturbed is an unsupported assertion as there has been no monitoring of receiver roosts to understand disturbance risks.		The Applicant informed NE that "birds that were recorded as relocating in the disturbance area for the surveys at the mouth of the Haven (A. Bentley 2020 Changes in Waterbird Behaviour due to river traffic at the mouth of The Haven, Boston, Lincolnshire) were still within the count area and should there have been further disturbance during the same survey period they would have been recounted." NE advised that a fuller assessment is required than what is currently included in the ES and HRA.		Please see further advice which is relevant to this point in Deadline 2 Appendix B2.		No update.		No update.		Please see NE Deadline 7 Appendix B4.	
35	Natural England advises that the Applicants assumption that when oystercatcher leave the roost, they are no longer disturbed is an unsupported assertion as there has been no monitoring of receiver roosts to understand disturbance risks.				No update.		No update.		No update.		No update	
36	Natural England advises that the Applicants assumption that when black-tailed godwit leave the roost they are no longer disturbed is an unsupported assertion as there has been no monitoring of receiver roosts to understand disturbance risks.				No update.		No update.		No update.		No update	
37	Natural England advises that the Applicants assumption that when shelduck leave the roost they are no longer disturbed is an unsupported assertion as there has been no monitoring of receiver roosts/adjacent to understand disturbance risks.				No update.		No update.		No update.		No update	



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38	Natural England advises that the Applicants assumption that when oystercatcher leave the roost, they are no longer disturbed is an unsupported assertion as there has been no monitoring of receiver roosts/adjacent to understand disturbance risks.		Natural England awaits further evidence and assessment to support HRA statements.		No update.		No update.		No update.		No update.		
39	Natural England advises that the anticipated increase in energy expenditure of 2% per day characterised as trivial for lapwing and golden plover is an unsupported conclusion without supporting evidence that birds are easily able to compensate for the additional energy need.				No update.		Please see Appendix J1 at Deadline 3 (point 29).		No update.		Please see NE Deadline 7 Appendix B4.		
40	Natural England advises that the anticipated increase in risk for black-tailed godwit characterised as trivial for lapwing and golden plover is an unsupported conclusion without evidence that birds are easily able to compensate for the additional energy need. Note that (Alves et al - Ecology, 94(1), 2013, pp. 11-17) identifies that black-tailed godwits on the Wash operate on a neutral or negative energy budget under baseline circumstances.					No update.		Please see Appendix J1 at Deadline 3 (point 29).		No update.		Please see NE Deadline 7 Appendix B4.	
41	Natural England disagrees with the assertion made that displaced birds are subjected to no further disturbance at alternate, and presumably sub-optimal (as they have not been selected initially), roosts. Please be advised that no evidence from monitoring of receiver roosts has been provided so cannot assume that birds are able to occupy nearby alternates or that they are not subject to additional energy depletion as a consequence of relocation.					Natural England's advice remains unchanged.		Please see Appendix J1 at Deadline 3 (point 31) for advice on roosts.		This point remains outstanding.		Please see NE Deadline 7 Appendix B4.	



No.	Natural England's Relevant Representation - Appendix B - Offshore Ornithology	RAG status Rel and WR Rep	Consultation, actions, progression	RAG status at D1	Consultation, actions, progression	RAG status D2	Consultation, actions, progression	RAG status D3	Consultation, actions, progression	RAG status D5	Consultation, actions, progression	RAG status D7
42	Natural England is concerned that the Applicant believes that there is no impact along Haven, when there has been no assessment and support evidence provided.	Red		Red	NE note REP1-026 states "Given the updates above there is no change to the conclusion of no Adverse Effect on Integrity". NE disagree and our advice remains unchanged.	Red	NE advice remains unchanged.	Red	No update.	Red	Please see NE Deadline 7 Appendix B4.	Red
43	Natural England advises that increased disturbance by a <i>minimum</i> (depending on final agreed figures for vessel movements) of 20-25% because of move to daily boat traffic, including an increase of 34% of days in the key winter period is not insignificant and therefore should not be dismissed.	Yellow		Yellow	No update.	Yellow	No update.	Yellow	This remains an outstanding issue.	Yellow	Please see NE Deadline 7 Appendix B4.	Yellow
44	NEW issue at Deadline 3: Natural England's initial view of the compensation measures identifies that the information provided is at a high level and does not provide enough detail or certainty to have confidence that an AEoI can be offset.	Grey		Grey		Grey	Once the Applicant has submitted an updated derogations case, we can review and provide further advice on ecological merits of the compensation measures and their adequacy in addressing our concerns.	Red	No update.	Red	Natural England will review Without Prejudice Habitats Regulations Assessment Derogation Case: Compensation Measures for Deadline 8.	Red
45	NEW issue at Dealine 7: Natural England cannot rule out AEoI for Golden Plover. This is because of increase in energetic requirements that directly translate into mortality. Please see NE Deadline 7 Appendix H4.	Grey		Grey		Grey		Grey		Grey	New issue at Deadline 7.	Red