

Annex 2.2

Consultation Tables

1 INTRODUCTION

No comments were received in relation to *Chapter 1*.

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 3.5)	The EIA Regulations 2009 require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20). The Commission recommends that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics and for significant impacts to be clearly identified. Quantitative criteria should be used where available. It is noted that Table 5.1 of the Scoping Report sets out the levels of significance that would be used as: Significant and Not Significant, with some impacts being identified.	Likely significant effects of the development on the environment are identified in each topic chapter.
IPC Scoping Opinion (Section 3.6)	The commission considers that the impact assessment should be undertaken in a similar manner across specialist topics where possible.	The impact assessment has been undertaken consistently across each topic chapter where possible.
IPC Scoping Opinion (Section 3.10)	The Commission considers that details should be provided as to how interactions will be assessed in order to address the environmental impacts of the proposal as a whole.	Each technical chapter of the ES addresses the in-combination impacts from the Project. A summary is provided in <i>Chapter 44</i> .

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 3.11)	The Commission considers that Cumulative Impacts should take account of planning applications in the area as well as other major developments in the area.	Cumulative impacts are detailed in each topic chapter, and include the cumulative impacts with projects for which consent has been sought or granted, as well as those already in existence.
IPC Scoping Opinion (Section 3.26)	The commission states that the response of the IPC and other consultees should be taken into account before submission of the final ES.	Comments from the IPC and other consultees have been taken into account.
IPC Scoping Opinion (Section 3.2)	The physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment.	The physical scope of the study areas is identified in each of the topic chapters where relevant.

3 ***PLANNING POLICY AND CONTEXT***

No comments were received in relation to *Chapter 3*.

4 ***DESCRIPTION OF THE DEVELOPMENT***

No comments were received in relation to *Chapter 4*.

Source	Consultee Comment	Response
Letter from RSPB dated 18 March 2011	There is no clear definition in the PEIR of the public interest to be met by the MEP.	<p>Offshore wind is planned to make a significant contribution towards the transition to a low carbon economy both in the UK and wider afield. It is axiomatic that the public interest is served by this transition and by enabling the transition as soon as practicably possible, rather than limiting it to legally defined minima. Future electricity demand predictions are inevitably uncertain and a precautionary approach should be taken both on environmental grounds and to secure a diverse mix of energy supplies as soon as practicable. New factories are required to provide capacity for offshore wind energy components. These components are developing rapidly and are growing to such a scale that new manufacturing capacity must have direct access to a quay. Construction ports must also be available for OWT installation, operation and maintenance vessels. Without private sector investment in new manufacturing facilities and port development, the offshore wind targets in the UK Renewable Energy Action Plan will not be realised. The public interest is manifestly served by such essential development.</p>

Source	Consultee Comment	Response
	The analysis of alternative solutions is inadequate in the PEIR	The PEIR is not an Environmental Statement. This ES details the main alternative solutions considered and the reasons for the choice of the preferred alternative.
	No clear IROPI case has been put forward in the PEIR	It was not the purpose of the PEIR to provide an IROPI case, nor is it a matter for the ES. It is for the decision maker to assess the IROPI case and a separate Habitat Regulations report provides information to aid that assessment.
Natural England letter dated 18 March 2011	It is unclear why the quay must be a solid structure, why it must be 1 320 m long. The Crown Estate have published requirements for quays stating that a quay needs to be 200-300 m in length	The Crown Estate's document describes a 'construction port' that is capable of supporting construction (only) of up to 300 MW per year or 100 turbines per year. AMEP seeks to handle over 500 complete turbines per year which, by linear extrapolation would need 1 000 – 1 500 m of quay.

Source	Consultee Comment	Response
ABP letter dated 18 March 2011	The proposed scale and scope of the development is unrealistic	<p>The scale of the development is not unrealistic; it is based on a robust assessment of the need and an understanding of how the industry is actually developing.</p> <p>The scale and scope is also consistent with data included in UK Ports for the Offshore Wind Industry: Time to Act (DECC, 2009), viz.</p> <ul style="list-style-type: none"> • Manufacturing facilities with associated supply chains require up to 500 ha and 500 m of quayside and will employ around 5 000 people (cf. Nigg Bay which employed 5 500 during the peak of North Sea Oil exploration and development). • Eleven 'ports' are required on the east coast of Britain by 2020. A port being defined to have 200-300 m of quay.
RWE npower renewables letter dated 18 March 2011	Welcome the development of port infrastructure in the area. They expect to commence construction of 1.2 GW Triton Knoll (Round 2) site in 2018 requiring 150-333 turbines.	Noted
Nic Dakin MP	Wishes to make clear unequivocal support for the proposal. It is absolutely imperative that the Humber sub-region is in a position to maximise investment opportunities that are available through the renewables sector	Noted
Hull and Humber Chamber of Commerce	The proposals would have a positive impact on the Humber economy.	Noted

Source	Consultee Comment	Response
Philip and Mary Jenkinson	Justify the length of the proposed Wharf	Refer to above responses and additional information provided in the ES

Source	Consultee Comment	Response
Letter from Osborne Clarke Solicitors, on behalf of Associated British Ports, dated 15 October 2010	There needs to be a proper assessment of alternative sites that also meet the need. It is possible that the need could be met elsewhere in a more sustainable way.	Alternative sites are reviewed in <i>Chapter 6</i> .
Letter from RSPB dated 18 March 2011	The analysis of alternative solutions is inadequate in the PEIR	The PEIR is not an ES. <i>Annex 4.4</i> of the ES details the main alternative solutions considered and the reasons for the choice of the preferred alternative. <i>Chapter 6</i> explains the reasons for the choice of site and the reasons for concluding that no better alternative exists.
Letter from Natural England dated 23 July 2010	A development of the scale proposed is highly likely to lead to numerous adverse effects on the SAC, SPA and Ramsar site, and will only proceed with a comprehensive justification that there are no alternatives.	The ES reports the alternative solutions considered during the EIA process.
Letter from Natural England dated 15 October 2010	Alternatives – The Environmental Statement must consider alternatives.	Noted

Source	Consultee Comment	Response
Letter from North Lincolnshire Council dated 13 October 2010	Confirms that the MEP site is allocated for Estuary Related Industry.	Noted
Letter from the Coal Authority dated 1 October 2010	The site of the proposed quay development is located within an area in which the Coal Authority has granted a Conditional Licence for Underground Coal Gasification (UGC) operations.	The Coal Authority has agreed that the risk of settlement is insignificant.
Letter from RSPB dated 18 March 2011	Paragraph 6.1 of the PEIR states no general requirement to consider alternatives. This is incorrect.	The statement is correct; there is no <u>general</u> obligation in law for an applicant to consider alternatives. The main alternatives are reported in the ES to comply with the 2009 EIA Regulations. Alternatives are also considered in the Habitat Regulations Report to assist the decision maker's assessment of "no alternatives" under the Habitats Regulations 2010.
Letter from RSPB dated 18 March 2011	A significant gap in the PEIR is the lack of analysis of the impacts of the alternative solutions on Natura 2000 sites.	Additional information is provided in the ES.

Source	Consultee Comment	Response
Letter from RSPB dated 18 March 2011	Reasons for dismissal of Bathside Bay are weak because there is only a temporary need for facilities.	<p>It is not credible to assert that the need for offshore wind manufacturing facilities is temporary. The need is significant and long term.</p> <p>Bathside Bay lies within the Stour and Orwell Estuaries SPA and Ramsar site. It also lies within the Stour Estuary SSSI. The development of that site will result in the direct loss of 69 ha of intertidal feeding habitat within the SPA. Bathside Bay nevertheless received planning consent for a container terminal having satisfied the decision maker that there was a need, that there was no alternative and that there were imperative reasons of overriding public interest for the container terminal project to proceed. The destruction of habitat is demonstrably greater than that which would be caused by AMEP.</p>
Letter from RSPB dated 18 March 2011	The proposal for the compensation site should consider a range of alternatives.	Agreed. Refer to <i>Volume 2</i> of the ES.

Source	Consultee Comment	Response
Letter from RSPB dated 18 March 2011	The ES needs to consider the EA's Humber Flood Risk Management Strategy in combination especially in relation to coastal squeeze.	<p>Coastal squeeze is caused by rising sea levels. AMEP will not cause sea levels to rise any more rapidly than currently predicted and, by promoting investment in renewable energy, should actually contribute towards limiting sea level rise. The HFRMS records that EA plan to maintain defences in existing developed areas on the AMEP site and retreat defences on the north bank after 2030. EA's project to maintain the flood defences will cause an adverse effect on integrity due to the direct loss of intertidal habitat from maintaining flood defences; compensation is proposed and an IROPI case submitted. EA are also providing compensatory habitat for the loss of intertidal habitat caused naturally by rising sea levels.</p> <p>The area of intertidal habitat along the Killingholme Marshes frontage that would be lost due to rising sea levels is, in any event, being compensated for in full as it lies under the footprint of the quay.</p>

Source	Consultee Comment	Response
Letter from Natural England dated 18 March 2010	It is not clear why the ports listed in <i>Table 6.3</i> of the PEIR are considered unsuitable as Crown Estate (2009) state that a port only requires 8 ha of laydown area and 200-300 m of quay. Nigg appears capable of providing 640 m of quay and 70 ha of land	The Crown Estate report details the requirements for a single construction port, not for manufacturing facilities. The document also notes that a single port can support construction of 'up to 300 MW per year'. As noted in <i>Chapter 5</i> , the UK should reasonably plan to install 3 500 MW per year by 2020. The UK could sustain a greater capacity by becoming an exporter of components. AMEP comprises a manufacturing cluster which has its own quay requirements and a large construction port with multiple quays. Further details of Nigg are included in the ES. It has significant potential as a base for OWT foundations of all types but is geographically remote and cannot feasibly develop a significant manufacturing cluster.
Letter from Natural England dated 18 March 2010	The compensation site is needed by the EA for delivery of the Humber Flood Risk Management Strategy.	HFRMS is a long term plan and commits itself to a review every 15 years. EA do not own the land and the HFRMS states that realignment at this location is unlikely until after 2030. EA have Compulsory Purchase Order powers which can be used to procure other sites subject to passing certain statutory tests.

Source	Consultee Comment	Response
Letter from Hickling Gray Associates (for and on behalf of Mr S Kirkwood and Mr A P Leake) dated 17 March 2010	The principles of 'fairness, equal treatment and proportionality' have not been applied to the selection of the compensation site.	Although not disclosed, the writer appears to be quoting paragraph 4 from, 'Planning Act 2008: guidance for the examination of applications for development consent for nationally significant infrastructure projects', (DCLG 2010). The selection of the compensation site has been undertaken on an objective basis by suitably qualified and experienced consultants.
Letter from Hickling Gray Associates (for and on behalf of Mr S Kirkwood and Mr A P Leake) dated 17 March 2010	The PEIR did not assess farm viability.	This is addressed in <i>Volume 2</i> the ES.
Letter from Hickling Gray Associates (for and on behalf of Mr S Kirkwood and Mr A P Leake) dated 17 March 2010	The compensation site comprises Grade 2 agricultural land and it is not in the public interest to use it for managed realignment.	PPS 7 defines the best and most versatile agricultural land to be Grades 1, 2 and 3a of the Agricultural Land Classification. Excepting for urban areas, all land within the Middle Estuary falls into one of these categories so the criteria is of no benefit as a screening tool. The requirement to provide compensatory habitat arises from the EC Habitats Directive.

Source	Consultee Comment	Response
Letter from Hickling Gray Associates (for and on behalf of Mr S Kirkwood and Mr A P Leake) dated 17 March 2010	The loss of income to Sands House Farm would be significant and to Little Humber Farm would be noticeable.	It is noted that provision of compensatory habitat will have an adverse impact on existing tenants.
Letter from Hickling Gray Associates (for and on behalf of Mr S Kirkwood and Mr A P Leake) dated 17 March 2010	The compensation site is incapable of being converted into mudflat and is not therefore a suitable site to replace mudflat on the South Humber Bank.	It is acknowledged that there is uncertainty in respect of the long term sustainability of mudflat on the compensation site and this has been addressed by over-compensating on a ratio greater than 1:1 for this habitat type.
Letter from Hickling Gray Associates (for and on behalf of Mr S Kirkwood and Mr A P Leake) dated 17 March 2010	The protected species surveys in the PEIR are inadequate due to their timing.	The PEIR was a preliminary environmental document. Additional surveys have been undertaken since the PEIR was issued including a badger bait marking survey, additional overwintering bird surveys, GCN surveys and breeding bird surveys.
Letter from Hickling Gray Associates (for and on behalf of Mr S Kirkwood and Mr A P Leake) dated 17 March 2010	There is no requirement for any compensation land to be provided.	The applicant has accepted Natural England advice on this matter.

Source	Consultee Comment	Response
Letter from Hickling Gray Associates (for and on behalf of Mr S Kirkwood and Mr A P Leake) dated 17 March 2010	Diversion of the footpath from around the compensation site would be of lesser amenity value.	The diversion will reduce disturbance to birds using the SPA. Hides will be provided on the new flood defence wall to provide new observation areas for bird watchers and recreational walkers. Landscape planting will also be provided.
Letter from Hickling Gray Associates (for and on behalf of Mr S Kirkwood and Mr A P Leake) dated 17 March 2010	The assessment of alternative sites is inadequate	An additional report is included in <i>Annex 30.2</i> that provides an assessment of alternative sites within the wider Middle Estuary.
E-mail from Hedon Town Council dated 3 March 2011	Opposes the loss of prime agricultural land on the north bank. The compensation site should be provided on the south bank.	Natural England has advised that the Compensation Site needs to be in the middle estuary. Excepting for urban areas, all land within the Middle Estuary is adjacent to prime agricultural land. The site selection process has been undertaken on an objective basis and is detailed in <i>Annexes 30.1</i> and <i>30.2</i>
Letter from RMS Group Holdings Limited dated 3 March 2011	If manufacturing does not develop on the Humber it is probable that the turbines and ancillary equipment will be manufactured in other countries bordering the UK.	Noted

GEOLOGY, HYDROGEOLOGY AND GROUND CONDITIONS

Source	Consultee Comment	Response
Letter from Environment Agency dated 6 August 2010	Proposed dredging could increase the saline intrusion into a principal aquifer. Studies undertaken by the Anglian Water Authority in the 1950's and 1970's showed saline intrusion into the chalk aquifer.	Able UK commissioned ESI Ltd to undertake a hydrogeological risk assessment and their findings are reported in <i>Annex 7.5</i> of the ES.
Letter from The Coal Authority dated 1 October 2010	The Coal Authority has granted a Conditional Licence for Underground Coal Gasification operations in the area. The ES should identify and address the potential impacts that future UGC operations might have, including the potential for subsidence.	The coal measures are approximately 1 500-2 000 m below Ordnance Datum. Accordingly the risk of settlement being expressed at the surface is insignificant.
Letter from North Lincolnshire Council dated 8 October 2010	NLC understand that a significant amount of marine dredged aggregate will be used. Information is requested on the location of the extraction site	The extraction site will be licensed. The material will likely be sourced in close proximity to the Humber Estuary.
Letter from Marine Management Organisation dated 15 October 2010	Ground contamination investigations should be carried out anywhere terrestrial works may release contaminants into the marine environment.	A Phase 1 Geo-Environmental Risk Assessment has been undertaken. Intrusive investigations have been undertaken on the AMEP site.

Source	Consultee Comment	Response
Letter from ABP Humber Estuary Services dated 18 October 2010	The ES should make clear what dredged depths are envisaged.	Dredged depths are detailed in the Dredging Strategy, <i>Annex 7.6</i> .
Letter from English Heritage dated 7 March 2011	Comprehensive mitigation will be required for works on the foreshore, such as coring, sampling and dating to develop a detailed deposit model and allow palaeoenvironmental analyses.	Will be carried out as part of the archaeological and geotechnical investigations prior to any development.
Letter from The Coal Authority dated 11 March 2011	The Coal Authority are pleased that any risk the recently proposed Coal Gasification project has been taken into account.	Noted

Source	Consultee Comment	Response
Letter from Environment Agency dated 18 March 2011	<ol style="list-style-type: none"> 1. Amend reference of major aquifer to Principal (para. 7.6.7) 2. Control of saline ingress by management control should not be relied on. 3. Reference to Annex 7.2 in terms of saline ingress management – should this be Annex 7.3 ESI Ltd report? 4. The Environmental Resource Management Report should give consideration to Water Framework Directive saline intrusion groundwater quality test. 5. EA request more information on disposal of dredge arisings as well as glacial clays. EA understands that these queries are likely to be answered in the revised dredge methodology. 6. Annex 7.1: EA consider the Geoenvironmental Assessment to provide a sound desk study however, the Conceptual Site Models and geological cross-section should be revised to reflect the same geological conditions. 	<ol style="list-style-type: none"> 1. References amended. 2. Comments taken into account in hydrogeological risk assessment. 3. <i>Annex 7.2</i> of the PEIR is the correct reference – referring to EA comments regarding groundwater. 4. Noted. 5. Dredge methodology is annexed in this ES (<i>Annex 7.6</i>). 6. Conceptual Site Models and geological sections have been amended.
As Above	<ol style="list-style-type: none"> 7. Annex 7.3: EA included comments from letter sent 10/03/2011 regarding Hydrogeological Risk Assessment. 	<ol style="list-style-type: none"> 7. Comments from 3 October 2010 have been incorporated into the final Hydrogeological Risk Assessment (<i>Annex 7.5</i>)

Source	Consultee Comment	Response
Letter from ABP Grimsby & Humber dated 18 March 2011	ABP note that additional data is still awaited and reserve their comments until final documentation has been completed.	Further marine site investigations have been commissioned.
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<ol style="list-style-type: none"> 1. RSPB notes no reference has been made to nature conservation legislation (Habitat Regulations) in Section 7.2. 2. Table 7.9 highlights potential contaminants. Consideration should be given to the impacts such contamination have on benthic communities and fish. 3. There is the potential for dredging works to cause disturbance. Dredge methodology should take this into account and mitigate as far as possible (7.6.11-7.6.12). 4. Potential impacts on ecological receptors should be taken into account (7.6.20). 	<ol style="list-style-type: none"> 1. Habitat Regulations have been included into <i>Section 7.2</i>. 2. Discussions with MMO and CEFAS have resulted in further testing within proposed dredge areas. Details on impact are addressed in <i>Chapter 10</i>. 3. Maintenance dredging is a semi-permanent activity on the Humber. Dredging Methodology is included in <i>Annex 7.6</i>. 4. Ecological receptors have been integrated into the Conceptual Site Model.
Letter from Natural England dated 18 March 2011	<ol style="list-style-type: none"> 1. Table 7.9: Potential contamination risk shown in results. Dredge workshop 09/03/2011 CEFAS suggested further sampling maybe required. Able should liaise further with CEFAS. 2. Paragraph 7.6.1: Further work to be done regarding the disposal of dredge spoil in particular non-erodible arisings. 	<ol style="list-style-type: none"> 1. Discussions with MMO and CEFAS have resulted in further testing within proposed dredge areas. Results have lead MMO to approve the deposition of dredge arisings within licensed sites in the Humber 2. Refer to the Dredging Methodology (<i>Annex 7.6</i>).

Source	Consultee Comment	Response
Letter from North Lincolnshire Council dated 22 March 2011	<p>Comments from Environmental Protection Team in regards to contaminated land - No further comments than those sent 09/11/10 in relation to the Phase 1 Geo-environmental Assessment.</p> <p>Letter 09/11/10:</p> <ol style="list-style-type: none"> <li data-bbox="645 440 1384 587">1. Request that a strategy for protection of human health during construction (as identified in Conceptual Site Models) is submitted. <li data-bbox="645 600 1384 751">2. Due to presence of landfill within 250m of the site, any buildings proposed within that radius will require as gas risk assessment and appropriate protection measures if required. 	<ol style="list-style-type: none"> <li data-bbox="1406 440 2119 512">1. Strategy has formed part of the pre-construction documents. <li data-bbox="1406 560 2119 791">2. Comment was accepted and incorporated into the Phase 1 Geo-environmental Assessment. Also, radius has been incorporated into site layout. Any proposed buildings within 250 m radius will require a gas risk assessment prior to construction.

Source	Consultee Comment	Response
Letter from Osborne Clarke (solicitors instructed by ABP) in IPC Scoping Opinion Report (dated 15/10/2010)	ABP is particularly keen to see detailed and comprehensive studies relating to the sedimentation effects of both capital and maintenance dredging for the proposed new port in relation to its port of Grimsby and Immingham.	<p>The operational sedimentation effects of the AMEP have been subject to detailed sand and 3D mud transport modelling studies leading to predictions of sedimentation patterns and of changes to existing maintenance dredging requirements.</p> <p>Potential changes have also been considered in the context of existing maintenance dredging requirements reported in the Humber Maintenance Dredging Baseline Document.</p> <p>For construction activities, Plume modelling has been used to assess the dispersion of disposed material (from the capital dredge) from the Middle Shoal disposal ground as well as dispersion of materials at the AMEP.</p>

Source	Consultee Comment	Response
<p>Letter from Capt Phil Cowing, Harbour Master in IPC Scoping Opinion Report (dated 18/10/2010)</p>	<p>‘There should be hydrodynamic, bathymetric and ecological assessments that should include: any effect on sedimentary patterns, alone and in combination with other proposed projects; any effect on tidal flow directions and rates, especially at the upstream and downstream extremities adjacent to pre-existing berth and terminal facilities; impacts resulting specifically from the reclamation process, with full details of the process itself and the material to be used.’</p> <p>‘It would be helpful to know what level of maintenance dredging is predicted to be required and how this assessment has been arrived at. You will want to ensure predictions are realistic bearing in mind experiences at HST, where dredging requirements have been far in excess of modelled predictions.’</p> <p>‘It will be essential for the ES to deal fully with the impact of the dredging proposals.’</p> <p>‘It will be essential to consider the impacts on the wider estuary on both a stand alone and an in-combination basis.’</p>	<p>The assessment methodology details how hydrodynamic and sediment transport modelling has been used to examine the effects of the AMEP quay on hydrodynamics and sedimentation.</p> <p>Sediment plume modelling has been used to examine the predicted impacts of the disposal of dredged material at Middle Shoal, as well as dispersal of materials at the AMEP resulting from construction activities.</p> <p>Detailed sand transport, plume modelling, 3D mud transport modelling has been undertaken to predict likely new maintenance dredging requirements as well as changes to existing maintenance dredging requirements.</p> <p>Predicted changes to maintenance dredging requirements have been set against the useful context of figures supplied in the Maintenance Dredging Baseline Document (ABP, 2008) and are presented as a range to reflect the uncertainties.</p> <p>The estuary-wide impacts of the scheme alone and in combination have been assessed (<i>Annex 8.1</i>).</p>

Source	Consultee Comment	Response
Letter from Allyn Hogg, Marine Management Organisation in IPC Scoping Opinion Report (dated 15/10/2010)	'Any computer modelling used in the assessment must be calibrated and validated with site specific data to assess potential impacts, including storm events, wave diffraction and effects of wind forcing. The ES should provide comprehensive details of the cumulative effects, in-combination effects and possible mitigation.'	The hydrodynamic and sediment models have all been validated against available site specific data (<i>Annex 8.1-8.3</i>), although it should be noted that although good data on flows exists, the data available on suspended sediment concentrations is not extensive. A wave model has been used to investigate the impacts of storms; the model incorporates wave diffraction and wind forcing. In-combination impacts have also been assessed using the appropriate modelling techniques (<i>Annex 8.1</i>).
Letter from William Hill, North Lincolnshire Council in IPC Scoping Opinion Report (dated 13/10/2010)	Information to be required includes flow speed, flow direction, sediment load in the water column, topography, sediment depth and grain size, tidal prism, erosion and deposition patterns.	The detailed assessments undertaken present information on impacts to flow speeds and direction, suspended sediment concentrations, bathymetry. Surveys (IECS, 2010) present information on sediment thicknesses and grain sizes. Erosion and deposition patterns predicted as a consequence of sand transport (<i>Annex 8.1</i>) and 3D mud transport (<i>Annex 8.3</i>) modelling are presented.
Letter from Richard Rogers, E.ON UK Plc in IPC Scoping Opinion Report (15/10/2010)	'In respect of proposed work in the Humber we will require proof that the proposals will not interfere with our ability to extract and discharge cooling water.'	A 3D mud transport modelling and morphological assessment has been undertaken with specific focus on the predicted impacts to the E.ON intake and outfall (<i>Annex 8.3</i>).

Source	Consultee Comment	Response
Meeting with EA at EA Manby (03/11/2010)	The EA are responsible for maintaining a standard of protection at the sea defences adjacent to the project site. They are therefore concerned about the possibility of reflected waves from the AMEP quay leading to an increase in flood risk at these defences. Furthermore the sediment modelling should account for varying grain sizes throughout the estuary.	Modelling of reflected waves has been incorporated into the wave model. Mitigation of the impacts of wave reflections will be attempted through appropriate alteration and modelling assessment of the quay geometry, but there may be remaining issues that require alternative mitigation actions. Sand transport modelling has indeed accounted for the varying grain sizes throughout the estuary, informed by the local survey data and background literature (<i>Annex 8.1</i>). Further to this, a 3D mud modelling assessment has been undertaken (<i>Annex 8.3</i>).
Letter from John Fitzgerald, Associated British Ports on PEIR (18/03/2011)	Reiterating earlier comments, ABP is keen to see detailed and comprehensive studies relating to morphological change resulting from the AMEP, and sedimentation effects of both capital and maintenance dredging for the AMEP in relation to its port of Grimsby and Immingham.	<p>The operational sedimentation effects of the AMEP have been subject to detailed sand (earlier layout) and 3D mud transport modelling (present layout) studies leading to predictions of sedimentation patterns and of changes to existing maintenance dredging requirements.</p> <p>Potential changes have also been considered in the context of existing maintenance dredging requirements reported in the Humber Maintenance Dredging Baseline Document.</p> <p>For construction activities, Plume modelling has been used to assess the dispersion of disposed material (from the capital dredge) from the Middle Shoal disposal ground.</p>

Source	Consultee Comment	Response
Letter from BNP Paribas Real Estate (property management company instructed by Centrica Plc) on PEIR (17/03/2011)	Centrica owns and operates Killingholme Power Station adjacent to the site of the AMEP. The power station uses a water-cooled condenser to dispose of waste heat from its steam turbine. Cooling water is extracted from the River Humber via an inlet to the north of the AMEP. Centrica requires that the operation and construction of the AMP (including associated dredging) do not negatively impact on the cooling inlet, e.g. by altering the free flow of water or increasing sedimentation.	<p>The hydrodynamic modelling examines potential impacts on hydrodynamics around the inlet. (<i>Annex 8.1</i>).</p> <p>Potential impacts of the AMEP on water temperature in the vicinity of the inlet are addressed in <i>Chapter 9 (Water and Sediment Quality)</i>.</p> <p>A 3D mud transport modelling and morphological assessment has been undertaken with specific focus on the predicted impacts to the Centrica intake and outfall (<i>Annex 8.3</i>).</p>

Source	Consultee Comment	Response
Letter from Annette Hewitson, Environment Agency on PEIR (18/03/2011)	<p>The EA's response contains numerous requests for further details of modelling reports and impact assessments. In summary, the EA expect that the following information will be contained in the EIA:</p> <ul style="list-style-type: none"> · Assessment of hydrodynamics and displacement of water - tidal volume · Assessment of wave climate changes · Assessment of changes in hydrodynamics leading to changes in sedimentary regime and patterns of erosion and deposition. · Use of LiDAR data in inter-tidal areas in model · Results of models for the effects on hydrodynamics, wave and sediment transport and geomorphic processes · More information on the impacts of sediment plumes · Impacts of any wave increase mitigated for to ensure the EA assets immediately to the south of the development are not compromised · Maps of bed shear stress and water level changes should be shown 	<p>The EIA is based on three detailed assessments of changes to hydrodynamics and sediments (<i>Annex 8.1</i>), a review of geomorphological dynamics (<i>Annex 8.2</i>), and 3D mud modelling. The results of these assessments provide an assessment of:</p> <ul style="list-style-type: none"> Changes to flow speeds and direction Changes to water levels Changes to waves Changes to bed shear stress Changes to sand transport Changes to mud transport Changes to morphology Changes as a result of capital dredge disposal

Source	Consultee Comment	Response
Letter from Harriet Dennison, RSPB, on PEIR (18/03/2011)	The RSPB would like to see further work to refine the understanding of the nature and scale of subtidal habitat loss, and for the outputs of hydraulic computer modelling to be made available.	<p>Additional detailed hydrodynamic and sediment transport modelling has been carried out to inform the ES. The results are summarised in <i>Chapter 8</i> and the full modelling reports are available as annexes to the chapter.</p> <p>Impacts are predicted over subtidal and intertidal areas.</p>
Letter from Allyn Hogg, Marine Management Organisation, on PEIR (24/03/2011)	The MMO requires any ongoing maintenance dredging requirements to be detailed and assessed in full.	The predicted maintenance dredging requirements have been assessed and are presented in this Chapter, based on the assessments in <i>Annex 8.1 and 8.3</i> .

WATER QUALITY AND SEDIMENT QUALITY

Source	Consultee Comment	Response
Letter from North Lincolnshire Council dated 6 August 2010	North Lincolnshire Council emphasised a need to 'describe and assess the characteristics of the intertidal and subtidal habitat in the area affected by the proposal and adjacent to any proposed site for compensatory habitat including suspended sediment in the water column, sediment depth and grain size, organic content of sediment.	This has been addressed through environmental sampling and modelling as discussed in <i>Chapter 8</i> .
Letter from Natural England dated 23 July 2010	Natural England request that impacts on estuarine processes and functions are assessed. Consideration should be given to site run-off and drainage and use of green roofs.	The potential for this impact is addressed in <i>Chapter 13</i> . Storm water run-off has been addressed.
Letter from Marine Management Organisation dated 15 October 2010	MMO consultation identified a need for thermal plume modelling to be undertaken to consider the impacts of the Project along and cumulatively in relation to the E.ON and Centrica cooling water outflows.	Thermal plume modelling has been conducted (<i>Annex 9.2 and 9.3</i>) and impacts assessed in relation to the cooling water inputs. Further 3D thermal modelling has been undertaken to assess any impacts and their significance.

Source	Consultee Comment	Response
Email from Environment Agency dated 6 August 2010	Environment Agency consultation response requests that the effects of the Project be discussed with Anglian Water and that seawater intrusion into the aquifer should be avoided/mitigated, particularly as a result of piling and dredging. EA also requested that impacts from diverted and affected in/outflows be assessed.	The potential for this impact is addressed in <i>Chapter 7</i> An initial assessment has been undertaken in order to assess the impacts of AMEP on the nearby power station's outfalls. These have been assessed in <i>Chapter 9</i> in relation to water quality.
Email from E.ON plc dated 15 October 2010	E.On also responded that the effects on cooling water intake and outfalls for the Killingholme Power Station should be mitigated. This concern is shared by Centrica.	Thermal plume modelling has been undertaken in order to assess the likely impacts on the cooling water outflows.
Letter from BNP Paribas Real Estate, on behalf of Centrica PLC, dated 17 March 2011	Centrica requests that the application to the IPC, or its successor, demonstrates that there will be no impact on the efficient operation of the cooling inlet during both construction of the quay and dredging operations. It should be ensured that the construction of the proposed quay and any dredging activity do not impact Centrica's cooling inlet by altering the free flow of water or increasing siltation. Centrica would like the application to the IPC, or its successor, to demonstrate that there will be no impact on the cooling inlet.	Impact on cooling inlet, both during construction and operation is considered in the ES. Effect of siltation at cooling inlet is assessed in <i>Chapter 8</i> .

Source	Consultee Comment	Response
Letter from Environment Agency dated 18 March 2011	<p>General: The final ES is to include details of flows for sewage and trade effluent from the Marine Energy Park (MEP), together with discussion on any potential effects on the receiving water body. Reference is made to recent guidance on the discussion of dredging impacts within the context of the Water Framework Directive.</p> <p>Specific comments include:</p> <p>The final ES to show a comprehensive discussion of the work in each water body, an analysis of the hydromorphological consequences of the work, and a detailed analysis of which ecological receptors could be affected. We would also expect to see discussion on whether or not this impact would cause a deterioration in WFD status for each water body or would prevent the water body from achieving its target status. The final ES should also consider measures to improve water quality that are set out in the River Basin Management Plan (RBMP), i.e. identification of opportunities.</p> <p>9.5.12: DO for the Humber Estuary defined as High under WFD. This should be clarified for the Humber Lower Unit (not all units of the Humber, but those units affected by the MW and associated works (including the dredging works)).</p> <p>9.6.2 All opportunities to minimise the increase in SSC in the water column are to be explored.</p> <p>9.6.7 Temperature increase of 8°C locally. 'Local' is to be defined and significance against WFD to be assessed.</p>	<p>Impacts of dredging on the Chemical Status within the context of the Water Framework Directive have been assessed.</p> <p>An assessment of the dredging in relation to WFD guidance is discussed in <i>Annex 9.4</i>.</p> <p>Impacts of drainage have also been considered. Impacts on hydromorphology are discussed in <i>Chapter 8</i> and <i>Annex 2</i>.</p> <p>Water quality issues in relation to WFD are discussed in <i>Chapter 9</i>.</p>

Source	Consultee Comment	Response
As above	9.6.10 / 9.7.3 Results of the dredge plume assessment / magnitude and zone of influence of the sediment plume to be shown. Pre-dredge survey and monitoring to be considered at the dredge disposal sites and during dredging. 9.7.4 Thermal plume modelling results to be provided when available.	
Letter from Royal Society for the Protection of Birds dated 18 March 2011	Full details of potential changes to water quality and the subsequent potential impacts on the nature conservation features of the Humber Estuary SSSI, SPA, SAC and Ramsar site must be detailed in the ES.	Potential changes to water quality have been discussed within the ES and the repercussions thereof for nature conservation features have been assessed in <i>Chapter 10</i> .

Source	Consultee Comment	Response
Letter from Natural England dated 18 March 2011	<p>The Killingholme pits are designated for their saline lagoon interest and the possible impacts on water quality and the functioning of the outflow discharges must be considered fully.</p> <p>Paragraph 4.3.36 states that an outfall will be relocated to the north of the new quay. As mentioned in our email of 14 March 2010, any potential impacts on North Killingholme Haven Pits from increased water temperatures will need to be considered in the ES (see comment on paragraph 9.6.7 below).</p> <p>Thermal plume modelling report to be included in Annex.</p> <p>Paragraph 9.6.7 states that the new quay may affect the mixing of the outflow from the two power stations which can raise water temperatures by up to 8 degrees. As stated previously, this impact needs to be carefully assessed for the saline lagoon specialist species at North Killingholme Haven Pits, and on the wider estuary. Environment Agency guidance is that an increase in ambient water temperature greater than 2 °C within a designated site is likely to require a detailed assessment.</p> <p>Paragraph 9.6.10 states that any impacts associated with the sediment plume and sediment quality will be assessed in the ES. At the meeting on 9 March, CEFAS raised the issue of a number of projects occurring simultaneously which will lead to increased sediment plumes. This should be addressed in the ES.</p> <p>In a number of places in this chapter, it states that the need for maintenance dredging will be minimised, how will this be done?</p>	<p>Impacts on Killingholme Pits water quality have been assessed to be not significant.</p> <p>Thermal plume modelling reports from HR Wallingford are included in <i>Annex 9.2</i> and <i>Annex 9.3</i> and impact on water temperature vis-à-vis WFD are discussed.</p> <p>Impacts associated with the sediment plume and sediment quality have been assessed.</p> <p>Cumulative impacts from other projects have also been assessed, albeit not with the same quantitative detail of the plume associated with the AMEP.</p> <p>Need for maintenance dredging will be reduced as far as practically possible.</p>

Source	Consultee Comment	Response
E-mail from North Lincolnshire Council dated 22 March 2011.	Likely increase in litter ingested by estuarine animals is an important effect that requires further consideration with suggestions for avoidance and mitigation if possible.	Litter has been discussed and mitigation measures are presented in <i>Chapter 23</i> .
Letter from Marine Management Organisation dated 24 March 2011	Sediment analysis must be undertaken as part of the EIA assessment.	See <i>Project Description – Chapter 4</i> . Additional testing has been undertaken to confirm the disposal strategy.

Source	Consultee Comment	Response
Letter from Natural England dated 23 July 2010	Requirement to assess loss of and visual impact on roosting and foraging sites outside European sites, disturbance to birds, impact on SSSI, estuarine processes and function, fish including river and sea lamprey migration, protected species and BAP species in the EIA.	Impacts to fish and fish migration and BAP species are reported in the ES.
Letter from Natural England dated 23 July 2010	Requirement to consider site run-off and drainage.	Impacts to aquatic ecology from site runoff and drainage are reported in the ES (see <i>Paragraph 10.6.22 and 10.6.91</i>).
Letter from Natural England dated 23 July 2010	Requirement to assess noise and light for construction and operation within estuary and other sensitive receptors in the EIA.	Impacts to aquatic ecology from piling and dredging noise are reported in the ES (see from <i>Paragraph 10.6.30</i>). Light is not an issue from perspective of aquatic ecology.
Letter from ABP Humber Estuary Services dated 5 August 2010.	Requirement to report in ES hydrodynamic, bathymetric and ecological matters, including sedimentary patterns, tidal flow directions and rates, impacts from diverted and affected in/outflows, river ecology and effects of reclamation.	Impacts to aquatic ecology from construction and operation of AMEP are reported in the ES (see from <i>Paragraph 10.6</i>).

Source	Consultee Comment	Response
Letter from North Lincolnshire Council Development Control (not dated) August 2010.	Requirement to assess in appropriate assessment loss of subtidal and intertidal habitat, impacts on estuarine flows and sedimentation, loss of farmland used by wintering/passage curlew, permanent displacement of birds, North Killingholme Haven Pits SSSI and Rosper Road Pools Lincolnshire Wildlife Trust Reserve, potential for wind turbine bird strike, temporary displacement of birds during construction, construction of structures that may harbour avian predators, and impacts on river and sea lamprey.	A Habitat Regulations Report is submitted separately. However, issues such as the loss of subtidal and intertidal habitats (see from <i>Paragraph 10.6.9, 10.6.24 and 10.6.74</i>) and impacts of the proposal on river and sea lamprey (see from <i>Paragraph 10.6.51 and 10.6.57</i>) are reported in the ES.
IPC Scoping Opinion (Section 3.37)	The Commission recommends the need to consider cumulative and combined impacts and advises this is particularly relevant in terms of assessing the impacts on ecology. Appropriate cross-reference should be made to other specialist reports notably noise and vibration; air quality; hydrodynamic and sedimentary regime; landscape and visual and water quality sections of the ES.	Noted.
IPC Scoping Opinion (Section 3.39)	The Commission comments that the effect on marine mammals should not be limited to the potential impacts of discharges. The effects on migratory lamprey should not be limited to the potential impacts of dredging and disposal. The Commission advises that these matters should be	Noted.

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 3.40)	<p data-bbox="645 240 1361 320">addressed in the ES or a full explanation provided as to why this was not considered appropriate.</p> <p data-bbox="645 331 1361 671">The ES should consider the intertidal and subtidal habitat and the impacts of dredging and sediment type and quality. The impacts of the intake of cooling water and the release of warm water to the estuary should be assessed. The implications of potential changes to the physical, chemical, biological parameters and heavy metal load of the Estuary should be assessed fully.</p>	Noted.
IPC Scoping Opinion (Section 3.42)	<p data-bbox="645 730 1361 1070">The Commission notes the identification of the potential impact on fish and sea lamprey from entrainment and impingement caused by the cooling water intake and outfall pipeline. The applicant is referred to NE's comments on the use of fine meshes which are not suitable for use in the Humber Estuary to prevent fish impingement due to the Humber's extremely high sediment load.</p>	This comment is no longer applicable due to changes in the Project design.

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 3.43)	The Commission recommends that the impacts on protected fish species is fully assessed and appropriate mitigation provided. The Commission draws attention in particular, but not exclusively, to the effects on eels, shad and migrating river and sea lamprey. The applicant's attention is drawn to the new Eels (England and Wales) Regulations 2009 (No.3344) which provides increased protection for this species.	Impacts on protected fish species together with appropriate mitigation measures are reported in the ES (see from <i>Paragraph 10.6.30, 10.6.57 and 10.6.89</i>).
IPC Scoping Opinion (Section 3.44)	The Commission notes the reference to potential noise impacts on fish and shellfish. The Commission agrees with the need to consider noise and also recommends the consideration of vibration impacts and refers the Applicant to the comments by the MMO regarding assessment of noise and vibration impacts from piling. Consideration should also be given to monitoring any potential impacts which may arise from piling during the construction phase.	Impacts from noise and vibration on aquatic ecology are reported in the ES (see from <i>Paragraph 10.6.30 and 10.6.90</i>).

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 3.45)	It is recommended that the ES provides details of any proposed ecological mitigation, in addition to compensatory measures, and includes monitoring plans. All plans should incorporate relevant sensitive habitats and species affected during construction, operation and decommissioning and should be developed in conjunction with plans to mitigate landscape and visual impacts.	Details of mitigation measures are reported in the ES (see <i>Section 10.7</i>).
E-mail from Joint Nature Conservation Committee dated 2 February 2011	Proposal is outside JNCC's remit as statutory advisor.	Noted
Letter from Lincolnshire Wildlife Trust dated 18 March 2011	The Trust has serious concerns regarding the impact of the proposed development on the Humber Estuary Special Area of Conservation, Special Protection Area, Ramsar Site and Site of Special Scientific Interest (SSSI), and North Killingholme Haven Pits SSSI. Donna Nook National Nature Reserve and Saltfleetby-Theddlethorpe Dunes NNR should be added to Table 10.8.	Impacts on designated sites are broadly considered in the ES with reference to conservation objectives (see <i>Section 10.5</i>). <i>Table 10.9</i> lists all relevant NNRs.

Source	Consultee Comment	Response
<p>Letter from Environment Agency dated 18 March 2011</p>	<p>The final ES is to include details of flows for sewage and trade effluent from the Marine Energy Park (MEP), together with discussion on any potential effects on the receiving water body. Reference is made to recent guidance on the discussion of dredging impacts within the context of the Water Framework Directive.</p> <p>Specific comments include:</p> <p>Table 10.7 Conservation objectives - At the end of this Table under River Morphology, it states the site-specific target to “Maintain the characteristic physical features of river channel, banks and riparian zone”. Does the potential for covering of figure 31 in Annex 8.1 (muddy gravels) by changes in sedimentary regime mean that this is not to be the case here, i.e. the characteristic features are not maintained? Is this then deterioration in potential for good ecological potential under the WFD?</p> <p>Possible impact of the works upon migratory salmonids within the estuary. These are now running up the Humber in increasing numbers and there is a potential that due to the scale and nature of the works proposed the impact on these could be quite considerable.</p>	<p>Impacts of dredging on the Ecological and Chemical Status within the context of the Water Framework Directive are discussed in <i>Annex 9.4</i> of ES.</p> <p>Impacts of drainage/site run-off are considered (see from <i>Paragraph 10.6.22</i> and <i>10.6.91</i>).</p> <p>Impacts from changes in sedimentary regime are discussed (see from <i>Paragraph 10.6.24</i>).</p> <p>Impacts on salmonids are considered (see from <i>Paragraph 10.6. 30, 10.6.61</i> and <i>10.6.91</i>).</p>
<p>Letter from Royal Society for the Protection of Birds dated 18 March 2011</p>	<p>RSPB is concerned regarding the direct loss of intertidal and subtidal habitat as a result of the footprint of MEP.</p> <p>RSPB is further concerned regarding the lack of detail on indirect effects on intertidal and subtidal</p>	<p>Implications of direct and indirect loss of habitats on aquatic ecology are discussed (see <i>Section 10.6</i>).</p> <p>Undertaking a benthic survey in spring is considered to be an appropriate time to monitor benthic communities based on available guidance.</p>

Source	Consultee Comment	Response
	<p>features from changes to estuarine processes.</p> <p>RSPB notes that the period of data collection for the benthic community was not the most appropriate. All samples were taken in a single month. The RSPB strongly advises further data is sought for the benthic communities within the areas of intertidal habitat affected by the development. The Environment Agency may have suitable data which they may be able to make available. Alternatively, further data collection may be necessary during the appropriate time of year and for an adequate duration. Further analysis is also required to relate the benthic food resource to the ecological needs of waterbirds which rely on the affected areas of intertidal as a foraging resource. (Also discussed specifically in relation to para 10.5.29 and Chapter 11, 11.8.10. With reference to para 10.10.5, RSPB also stresses the importance of providing sufficient evidence and a quantitative timeframe to back up any assertion on recovery / colonisation of benthic fauna.</p> <p>In respect to Table 10.8, RSPB makes a distinction between nature reserves managed by a charitable organisation and those sites designated as Local Wildlife Sites and or (Site of Nature Conservation Importance) as identified by North Lincolnshire Council and East Riding of Yorkshire Council.</p>	<p>The CEFAS 2004 and recently published 2011 guidance does not include a requirement for sampling at particular times of the year, but suggests that sites are sampled at the same time each year, to allow meaningful comparisons between data sets. The guidance also states that annual sampling only is generally required, ie there is no requirement to factor seasonality into the sampling protocol. Cefas guidance relates to aggregate extraction but is considered to be a general guideline for all marine surveys. Older guidance, eg aggregate dredging guidance (DTLR, 2002) and the Marine Monitoring Handbook (~1999) state that sampling should be carried out between February and May, before the main recruitment period for pelagic larvae and invertebrates. However, this will depend on the location of the site.</p> <p>By undertaking a survey in May it is possible to establish the benthic community within the area, the composition of which may remain relatively stable. However, abundance (and relative abundance) and biomass will be seasonally variable with recruitment, growth and mortality. Again, that depends on the environment.</p> <p>We have received datasets from the Environment Agency, but these are not in a format that allow for</p>

Source	Consultee Comment	Response
	<p>The dredge disposal strategy (para 10.7.1) should set out quantitative and qualitative assessment of dredge material and identify suitably similar locations for disposal within the estuary. As a point of principle no sediments should leave the system.</p>	<p>a comprehensive analysis. There is considerable spatial and temporal variability in the Humber Estuary that makes any long-term interpretation of limited value. However, the survey did prove useful in offering an initial characterisation of the benthic fauna that is expected in the study area. The assessment of impacts on benthic fauna is largely based on predicted changes in habitat cover, sediment composition and changes in water quality.</p> <p>The importance of the benthos as a food resource to birds, including the black-tailed godwit, is discussed in <i>Chapter 11</i> of ES.</p> <p><i>Table 10.9</i> is amended to reflect different types of designation.</p> <p>Dredge disposal strategy is discussed in <i>Chapter 4</i> and <i>Chapter 7</i> of the ES.</p>
<p>Letter from Natural England dated 18 March 2011</p>	<p>Natural England is concerned regarding the direct loss of intertidal and subtidal habitat as a result of the footprint of MEP and indirect changes that are brought about by the scheme.</p> <p>Specific comments on the PEIR relate to: Paragraphs 10.2.10 and 10.2.11 and <i>Table 10.8</i> are incomplete and contain some errors. 10.2.25 quotes PPS9 'building in beneficial</p>	<p>Direct and indirect losses of habitats are discussed (see <i>Section 10.6</i>).</p> <p>Paragraphs under 10.2 and <i>Table 10.8</i> have been checked for errors and subsequently revised.</p>

Source	Consultee Comment	Response
	<p>biodiversity' and protecting networks of natural habitat.</p> <p>Paragraph 10.3.10 - Subtidal sandbanks need to be added or it should be confirmed that they will not be affected by the proposal, directly or indirectly.</p> <p>Paragraph 10.5.22 states that a small area of saltmarsh was identified, the size in hectares should be given. Will this habitat be lost?</p> <p>Table 10.6 and 10.7 - North Killingholme Haven Pits conservation objectives need to be added, plus the other conservation objectives for all features - currently only the 'loss of extent' attribute is included. This information may be better as an appendix.</p> <p>Table 10.9 is useful as it details which species are sensitive to piling noise. This is a key impact which will need to be considered in detail in the ES. This must include predicted impacts on migrating river and sea lamprey which are designated site features. An assessment of the noise attenuation across the estuary should also be included. At the workshop on 9 March, it was stated that smelt were sensitive to noise; however, this is not mentioned in the table.</p> <p>Paragraphs 10.6.3 and 10.6.5 should add in 'barrier to migration' as an impact.</p> <p>Table 10.9 states that river lamprey migrate up the shoreline and therefore we assume that they will be affected by the proposed quay</p>	<p>Subtidal sandbanks are incorporated and discussed (see from <i>Paragraph 10.6.28</i>).</p> <p><i>Table 10.6</i> and <i>Table 10.7</i> are amended (but not annexed to maintain consistency with <i>Chapter 11</i>).</p> <p>Noise impact assessment is included, including a discussion of impact on hearing sensitive fish species (see from <i>Paragraph 10.6.30</i>).</p> <p>Impact on migration of diadromous fish is discussed (see from <i>Paragraph 10.6.51</i> and <i>10.6.92</i>).</p>

Source	Consultee Comment	Response
E-mail from North Lincolnshire Council dated 22 March 2011	Para 10.5.48. Impacts on river lamprey to be assessed.	Impacts on river lamprey are assessed, noting that the species is a designated feature of the SAC (see from <i>Paragraph 10.6.51</i> and <i>10.6.92</i>).
Letter from Marine Management Organisation dated 24 March 2011	A thorough spatial and temporal assessment of the fisheries, intertidal benthic and subtidal benthic surveys undertaken as part of this project is required. Sediment analysis must be undertaken as part of the EIA assessment.	Surveys have been undertaken, and results are discussed in conjunction with existing information (see <i>Section 10.5</i>). Sediment analysis has been carried out in order to establish dredge disposal strategy.

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 2.13)	There are a number of designated sites adjacent to the proposed development site including the Humber Estuary SPA, SAC, Ramsar Site and SSSI. The North Killingholme Haven Pits SSSI are also adjacent to the site too.	All sites are acknowledged to be adjacent or in fact within (for the Humber Estuary) the AMEP site and are assessed within the ES.
IPC Scoping Opinion (Section 2.14)	Kirmington Pit SSSI to the south and Kelsey Hill Gravel Pits SSSI to the north are also within 10 km of the MEP site.	These have also been assessed, although no impacts are likely to impact on these geological SSSIs.
IPC Scoping Opinion (Section 2.15)	The Humber Flats, Marshes and Coast Important Bird Area (IBA) is a non-statutory designation as identified and monitored by Birdlife International and is located within the MEP site.	This is acknowledged and has been included in the assessment.
IPC Scoping Opinion (Section 3.3)	The Commission recommends that the baseline data is comprehensive, relevant and up-to-date. Surveys needed to inform the EIA are not always fully defined or provided within the Scoping Report and will need to be addressed. The timing and scope of all surveys should be agreed with the relevant statutory bodies.	Further baseline surveys have been undertaken since the Scoping Request. Surveys have been undertaken in consultation with the Statutory consultees and the timing of these surveys has been appropriate to the species concerned.
IPC Scoping	The Commission considers that each assessment	The EIA has considered the different phases of the

Source	Consultee Comment	Response
Opinion (Section 3.4)	should consider all phases of use – construction, operation and decommissioning. The methodology of surveys and studies needed to inform the EIA are not always fully defined or provided within the Scoping Report and will need to be included. The methodology should use up to date regulations and guidance to undertake the assessment and the methodology should be agreed with the relevant consultees. Where this is not possible, a reasoned justification should be given within the ES.	scheme although decommissioning of the port is not considered likely.
IPC Scoping Opinion (Section 3.35)	There are a number of International, European, UK and local conservation designations in the vicinity. The ES should give full consideration to the potential impacts of the proposed development and mitigation or compensatory measures for all protected sites and species. Non-statutory local sites should also be considered in the assessment. The Commission welcomes the consultation with a range of stakeholders.	As stated above full consideration of designated sites has been undertaken as part of the PEIR and ongoing EIA process.
IPC Scoping Opinion (Section 3.36)	All surveys should be thorough, up to date and take account of other development proposed in the vicinity.	Surveys have been undertaken as per the IPC comments and in consultation with NE and North Lincolnshire Council.
IPC Scoping Opinion (Section 3.37)	The Commission considers that Cumulative Impacts for ecology should be considered and cross-	Cumulative Impacts have been assessed for ecology.

Source	Consultee Comment	Response
3.37)	reference to other chapters should be made.	
IPC Scoping Opinion (Section 3.38)	The Commission agrees that the coastal bird surveys carried out from May 2006 until February 2007 should be updated. The ES should consider all birds of conservation concern. Bird disturbance and displacement effects should be considered in terms of North Killingholme Haven Pits SSSI and Rosper Road Pools Nature Reserve as well as the Humber Estuary itself.	A full year of coastal bird surveys has been undertaken and is reported in the ES. All birds within the vicinity including those at North Killingholme Haven Pits SSSI and Rosper Road Pools Nature Reserve have been considered within this assessment.
IPC Scoping Opinion (Section 3.39)	The scoping report does not cover surveys and assessment for amphibians, vascular plants, important hedgerows and trees. The effect on invertebrates should not be limited to the potential impacts of noise and vibration.	Due to the large amounts of previously recorded data for the site and the updated results of the Extended Phase 1 Habitat report, further specific surveys for important hedgerows, vascular plants and invertebrates was not considered necessary. It should also be noted that a full NVC survey was undertaken in 2006 and an additional survey of all ponds on the MEP site was undertaken in 2010.
IPC Scoping Opinion (Section 3.45)	It is recommended that the ES provides details of any proposed ecological mitigation, in addition to compensatory measures, and includes monitoring plans. All plans should incorporate relevant sensitive habitats and species affected during construction, operation and decommissioning and should be developed in conjunction with plans to mitigate landscape and visual impacts.	Mitigation for ecology has been provided within the scheme and is detailed in the ES.

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 3.47)	The Commission notes the possible need for an appropriate assessment in view of the development site's location in relation to the Humber Estuary and the potential impacts on the estuarine structure and function.	A Habitats Regulations Report is submitted with the application.
IPC Scoping Opinion (Section 4.1)	The Commission notes that for an Appropriate Assessment to be completed the information to be submitted should be sufficient for the Commission to make an appropriate assessment of the implications for the site if required by regulation 48(1).	See response above.
IPC Scoping Opinion (Section 4.2)	The report to be submitted under Reg 5(2) (g) of the APFP with the application must deal with two issues. The first is to enable a formal assessment of whether there is likely significant effect and the second, should it be required, is to enable the carrying out of an appropriate assessment.	See response above.
IPC Scoping Opinion (Section 4.3)	When considering aspects of the environment likely to be affected by the development; including flora, fauna, soil, water, air and the inter relationship between these, consideration should be given to the designated sites in the vicinity of the proposed development, including the Humber Estuary Ramsar, SPA, SAC, and SSSI, and Kirmington Pit SSSI and Kelsey Hill Gravel Pits SSSI.	See response above.

Source	Consultee Comment	Response
Letter from Osborne Clarke Solicitors, on behalf of Associated British Ports, dated 15 October 2010	It is stated by ABP that there is little evidence in the Scoping document with regard to alternative sites and Imperative Reasons of Overriding Public Interest (IROPI).	Refer to the Habitat Regulations Report.
Letter from Humber Harbour Master dated 18 October 2010	It will be essential for the ES to fully deal with the impacts of the proposed quay on the ecology of the river.	Refer to <i>Chapter 10</i> of the ES.
Letter from Humber Harbour Master dated 18 October 2010	Information for production of an Appropriate Assessment will have to be provided for the Competent Authority.	Refer to response above.
Letter from East Riding of Yorkshire Council dated 17 September 2010	Consultation is conducted with the East Riding of Yorkshire's Bio-diversity Officer, the Yorkshire Wildlife Trust, Natural England and the Royal Society for the Protection.	Consultation with all these bodies has been part of an ongoing consultation process, undertaken as part of the production of the ES.
Letter from Simon Group Plc and Humber Sea Terminal dated 18 October 2010	Ecological issues are fully taken into account as part of the proposal.	All ecological issues have been taken into account as set out within the ES.
Letter from Marine Management	The site is located on the Killingholme Marshes and North Killingholme Haven on the Humber Estuary.	It is acknowledged that the AMEP site is located within and adjacent to a number of protected areas.

Source	Consultee Comment	Response
Organisation dated 15 October	The new quay, lies within the Humber Estuary SSSI, Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site and is adjacent to the North Killingholme Haven Pits SSSI.	
Letter from Marine Management Organisation dated 15 October	Assessments of noise and vibration effects of piling noise must be carried out in relation to birds, fish and marine mammals and included in the ES.	Assessment of noise and vibration has been undertaken and is reported in <i>Chapter 16</i> .
Letter from Natural England dated 23 July 2010	The IPC will undertake appropriate assessment of the effect on European sites	Noted
Letter from Natural England dated 23 July 2010	Use correct names of European sites in ES	The correct names of the protected sites have been used for the on going assessment.
Letter from Natural England dated 23 July 2010	Assess loss of and visual impact on roosting and foraging sites outside European sites, disturbance to birds, impact on SSSI, estuarine processes and function, fish including river and sea lamprey migration, protected species and BAP species in ES.	Visual impacts have been assessed as part of the Environmental Statement (ES). Impacts on marine protected species and BAP species have also been assessed during the EIA .
Letter from Natural England dated 23 July 2010	Include multifunction green spaces and corridors in proposal	Green corridors across the site have been included in the site Masterplan. Refer to the Indicative Landscape Masterplan included in the application.

Source	Consultee Comment	Response
Letter from Natural England dated 23 July 2010	Consider site run-off and drainage and use of green roofs	Site run-off has been included within the Project plan with improvements to the existing drainage network. No green roofs are currently proposed as industrial building are generally of lightweight steel construction that are unsuited to supporting large roof loads.
Letter from Natural England dated 23 July 2010	Assess noise and light for construction and operation within estuary and other sensitive receptors in ES.	Issues relating to noise and light have been assessed for sensitive receptors across the site; especially at the estuary and North Killingholme Haven Pits.
Letter from Natural England dated 23 July 2010	Assess effect of use of railway on SSSI in ES	The use of the railway has not been specifically included within this assessment as it is unlikely that usage of this track will exceed historical use and trains will not pass through the NHKP SSSI..
Letter from Natural England dated 23 July 2010	Address impact on NE's proposed 'strategic mitigation areas'.	NE has been consulted on this matter.
Letter from Natural England dated 23 July 2010	The IPC will undertake appropriate assessment of the effect on European sites.	Noted.

Source	Consultee Comment	Response
Letter from Natural England dated 15 October 2010	Parts of the SPA citation are missing from this table – the article 4.2 migratory species and the waterfowl assemblage must be added.	Corrected in the ES.
Letter from Natural England dated 15 October 2010	For a development of this size and scale, it is crucial to have a recent comprehensive data set to inform the assessment of impacts. Natural England suggests that the INCA field data, BTO WeBS counts, and other survey data, such as ABP data is added to the list.	A comprehensive data set has been collected as part of the production of the Environmental Statement (ES). All contacts listed have been contacted for data. ABP have not provided any data.
Letter from Natural England dated 15 October 2010	Impacts on North Killingholme Haven Pits, including impacts on the high tide roost due to the loss of the adjacent intertidal mudflats must be included.	Included in the ES.
Letter from Natural England dated 15 October 2010	Local record centres should be added, in particular the HEDC.	Data from the HEDC has been obtained and used for the production of the ES.

Source	Consultee Comment	Response
Letter from Natural England dated 15 October 2010	Managed realignment site – it is noted that an area is proposed on the north bank of the Humber Estuary where compensatory habitat will be created. If the proposed development reaches this stage (certain tests must be passed first under the Habitats Regulations), then the impacts of the realignment site must also be assessed. It is known that this area is diverse saltmarsh habitat currently in favourable condition. It is expected that a realignment site will lead to some loss of saltmarsh through the breach and associated erosion. Whilst we appreciate that the map is indicative only at this stage, it does appear to include areas of the designated site. Obviously compensation land can only be provided outside the designated site boundary and must compensate for the range of habitats and functions lost.	Compensation proposals have been agreed with NE.
Letter from North Lincolnshire Council dated 13 October 2010	The following areas should be covered including habitats, badgers, bats, reptiles, amphibians, breeding birds, wintering/passage birds, water voles, vascular plants, invertebrates –aquatic, terrestrial and benthic, important hedgerows trees and Tree Preservation Orders and other protected or priority species not listed above.	Surveys for the majority of the listed species or groups have been specifically undertaken. For those groups or species not surveyed, additional data from previous surveys or data sets has been used to complete an assessment.
Letter from North	The following list of impacts are those identified by	

Source	Consultee Comment	Response
Lincolnshire Council dated 13 October 2010	NLC in their scoping response: Loss of Station Road Local Wildlife Site (LWS).	The loss of this site will be mitigated for within ecological mitigation area A.
Letter from North Lincolnshire Council dated 13 October 2010	Possible loss of bat roosts and likely loss of bat foraging habitat	No bat roosts have been recorded during surveys. Bat foraging habitats will be retained across the site in the form of green corridors and the ditch network.
Letter from North Lincolnshire Council dated 13 October 2010	Loss of breeding pond and terrestrial habitat for GCNs (associated with the above LWS).	GCNs will be translocated to a number of new ponds.
Letter from North Lincolnshire Council dated 13 October 2010	Loss of UK BAP priority farmland bird species and their habitat.	A green network will be present across the site to mitigate for the loss of some of the hedgerow habitat. Ecological mitigation area A will provide habitat for farmland birds as well as the SPA assemblage.

Source	Consultee Comment	Response
Letter from North Lincolnshire Council dated 13 October 2010	Harm of water voles and their habitat	Water vole habitat will be lost from the site. However, a new ditch network providing habitat in excess of that lost will be provided be created in advance of the removal of the existing network. Water voles will then be moved into this network and there should be no overall harm to this species and no net loss of habitat.
Letter from North Lincolnshire Council dated 13 October 2010	Impacts on features associated with the Humber Estuary European Marine Site include: Loss of a large area of sub-tidal and intertidal habitat.	Compensation provision has been agreed with NE.
Letter from North Lincolnshire Council dated 13 October 2010	Permanent displacement of waterbirds using intertidal habitat in WeBS sector ISJ, including the vast majority of the estuary black-tailed godwit and a high proportion of its ruff.	Compensation provision has been agreed with NE.
Letter from North Lincolnshire Council dated 13 October 2010	Permanent displacement of waterbirds using North Killingholme Haven Pits including the vast majority of the estuary black-tailed godwit and a high proportion of its ruff as well as other SPA listed species such as breeding avocet.	It is not thought that this will be permanent.

Source	Consultee Comment	Response
Letter from North Lincolnshire Council dated 13 October 2010	Loss of farmland currently used by flocks of around 100 passage/wintering curlew associated with the nearby intertidal habitat of the Humber Estuary SPA/Ramsar.	Ecological mitigation area A has been provided to avoid any adverse impact on the SPA assemblage currently using the farmland.
Letter from North Lincolnshire Council dated 13 October 2010	Permanent displacement of waterbirds using Rosper Road Pools Lincolnshire Wildlife Trust Reserve, due to this Project acting in combination with the Drax Heron Energy plant proposal.	It is not thought that impacts associated with the MEP site will displace birds from the Rosper Road Pools.
Letter from North Lincolnshire Council dated 13 October 2010	Construction of new structures which may harbour avian predators such as gulls, crows or raptors.	Noted
Letter from North Lincolnshire Council dated 13 October 2010	In combination and cumulative impacts should be considered for: PA/2009/0600 Able UK proposal at East Halton Drax Heron Energy Plant Humber Unitary authorities' Local Plans and Local Development Documents Environment Agency Humber Flood Risk Management Strategy Killingholme Marshes Drainage Scheme.	A list of incombination plans and projects is included in <i>Annex 2.3</i> .
Letter from North Lincolnshire	The major adverse effects for this project relate to loss of intertidal and subtidal habitat this is	Compensation provision has been agreed with NE.

Source	Consultee Comment	Response
Council dated 13 October 2010	intimately related to major high tide roost sites at North Killingholme Haven Pits and Killingholme Marshes. Any package of compensation therefore, needs to be able to deliver, subtidal, saltmarsh and mudflat habitats of adequate extent to compensate for the losses. There will need to be high tide roosting and feeding habitat comparable to the Pits adjacent to the new estuarine habitats. This will have to demonstrably capable of supporting thousands of black-tailed godwits and other elements of the SPA assemblage displaced from the application site.	
Letter from North Lincolnshire Council dated 13 October 2010	Assuming that compensation will be proposed through a managed realignment of sections of the estuary, reference should be made to findings of the Humber Estuary Managed Realignment Monitoring Group which states that sites have accreted more rapidly than expected this not recreating mudflat equivalent to that in the wider estuary. Therefore sites only provide roosting for birds not feeding.	Compensation provision has been agreed with NE.
Letter from Joint Nature Conservation Committee dated 2 February 2011	This development proposal is not located within the offshore area, does not have any potential offshore nature conservation issues and is not concerned with nature conservation at a UK level; therefore JNCC does not have any comments to make on the consultation.	It is acknowledged that the JNCC has no comments regarding the Project.

Source	Consultee Comment	Response
Letter from East Riding of Yorkshire Council dated 21 February 2011	East Riding of Yorkshire Council would like clarification as to whether new wildlife habitats (for the compensation site) will be open to the general public - if so what facilities will be provided and where.	The mitigation area on the south bank is to provide secure undisturbed habitat for the SPA assemblage which is incompatible with public access.
Letter from Hickling Gray Associates (for and on behalf of Mr S Kirkwood and Mr A P Leake) dated 17 March 2011	As noted above, any development proposals affecting such sites are required to provide a compelling case, in the public interest, to justify any loss of nature conservation value.	The case for the scheme is set out in the Habitat Regulations report.
Letter from Hickling Gray Associates (for and on behalf of Mr S Kirkwood and Mr A P Leake) dated 17 March 2011	Natural England has stated in correspondence to us that, "the created habitat needs to be of the same ecological character and function to that which is lost" and in this case we believe there is overwhelming evidence to suggest that this will not occur (Dr Fiona Neale, Conservation Adviser, Marine and Coastal Team, Yorkshire and Humber: 15/2/2011).	As stated above, once established the compensation will be of the same ecological character and function as that of the area to be lost.
Letter from Lincolnshire Wildlife Trust dated 18 March 2011	The Lincolnshire Wildlife Trust is of the opinion that development of any form should not be to the detriment of protected or priority habitats and species. Given that the proposed location is adjacent to, and within, the Humber Estuary the Trust has serious concerns regarding the impact of the proposed development on the Humber Estuary	Mitigation and compensate for the impacts from the proposed development have been developed in consultation with Natural England.

Source	Consultee Comment	Response
	SAC, SPA, Ramsar site, SSSI and North Killingholme Haven Pits SSSI.	
Letter from Lincolnshire Wildlife Trust dated 18 March 2011	The PEIR appears to be comprehensive referring to the full range of potential ecological issues. The commitment to undertake additional survey work, e.g. great crested newt surveys this spring is welcomed.	Noted and undertaken in April 2011.
Letter from Lincolnshire Wildlife Trust dated 18 March 2011	This proposal is of particular concern as it would result in the loss of 33 ha of Killingholme Marshes intertidal mudflat and 119 ha arable, pasture and farmland habitat which is potential feeding habitat for wintering and passage SPA wader species. As recognised in the PEIR, Killingholme Marshes is of particular importance to black-tailed godwit, dunlin and redshank as they have been recorded in numbers greater than 1% of their Humber SPA qualifying populations and curlew is present in notable numbers on the farmland habitat to be developed.	Compensation habitat for bird species will be provided at Cherry Cobb Sands equal to or greater in extent to the area to be lost at Killingholme Marshes. Furthermore a dedicated mitigation area between the AMEP site and Rosper Road Pools is being planned which will safeguard terrestrial habitat for curlew which is already regularly used for this species.
Letter from Lincolnshire Wildlife Trust dated 18 March 2011	The proximity of the proposed development to Killingholme Haven Pits Nature Reserve and SSSI is also of serious concern to the Trust as the Pits are an important site for SPA birds supporting significant populations of black-tailed godwit, dunlin and	The current levels of noise, visual and light have been assessed and it is clear that species which utilise the Pits have habituated well to noise and light disturbance. Both of these potential sources of disturbance will change little from current levels,

Source	Consultee Comment	Response
	redshank. The commitment to assess the potential impacts from the development through visual, light and noise disturbance to birds using Killingholme Haven Pits is welcomed.	with the lighting remaining exactly the same and noise levels still in the lower half of the 2 Moderate Level for disturbance as given by Cutts <i>et al.</i> (2008). For visual disturbance, as the Pits are bunded from the Able side it is thought unlikely that visual disturbance will be of particular concern for species utilising the Pits. Nearly all activity other than occasional use of cranes will be shielded from by the bund.
Letter from Lincolnshire Wildlife Trust dated 18 March 2011	The development would result in the loss of Station Road Field Local Wildlife Site. It is strongly recommended that efforts are made to retain this site unharmed. However, if this is not possible then the site should be compensated for by the creation and management of an area of species rich neutral grassland greater in size than that to be lost. We would expect mitigation or compensation for any important or protected habitats or species that would be adversely affected by the development.	The Station Road Field Local Wildlife Site is located at the centre of the AMEP site. As such it will be difficult to retain this area, especially as the grassland requires regular grazing by horses. Therefore to mitigate for the loss of this area, a specific neutral grassland will be provided and managed to provide habitat of similar quality within the Mitigation Area.
Letter from Lincolnshire Wildlife Trust dated 18 March 2011	There is reference in the PEIR to the Trust managing Rosper Road Pools. It should be noted that Rosper Road Pools is no longer managed by the Lincolnshire Wildlife Trust.	Noted and reference not included in the ES.
Letter from	Considering the size of the proposed development	This project will contribute to the overall strategic

Source	Consultee Comment	Response
Lincolnshire Wildlife Trust dated 18 March 2011	and the number of other developments that are occurring or are planned in the area the Trust is concerned over both the individual and cumulative effects of this proposal. As you will be aware work is ongoing looking strategically at establishing mitigation areas which will safeguard the ornithological interest of the Humber Estuary Special Protection Area, whilst allowing development throughout the South Humber Bank. It is important that this development provides mitigation to tie into this strategic approach.	mitigation areas.
Letter from Environment Agency dated 18 March 2011	Whilst understanding some of the constraints (cost implications need exploring) associated with water vole relocation/translocation and supporting the statement that these methods should be a 'very last option', it would be helpful to see information on other alternative options explored.	As stated in the PEIR it is clear that Able have a proven track record in delivery of habitat for water voles when undertaking watercourse improvement works at Killingholme. While alternatives have not been supplied, as the current site layout is specific to the requirements of the offshore industry, the proposed ditch network will be larger than that currently present. All proposed watercourses will be connected to the original ditch system.
Letter from Nottinghamshire County Council	In terms of potential impacts arising on nature conservation interests in Nottinghamshire, the site is linked to the county by virtue of the fact that the	It is agreed that it is very unlikely that any direct impacts on the River Trent will occur as a result of the AMEP proposal.

Source	Consultee Comment	Response
dated 18 March 2011	River Trent flows into the Humber. However, I can foresee no direct impacts arising given the distances involved (approximately 44km as the crow flies, and more like 75km back up the Humber and Trent).	
Letter from Associated British Ports (ABP) Grimsby and Humber dated 18 March 2011	ABP note and welcome the suggestion that suitable compensatory habitat under the Habitats Regulations will need to be provided at a proposed managed realignment of a site on the north bank of the estuary at Cherry Cobb Sands. ABP has some concern as to the feasibility and indeed acceptability in law of your compensation habitat proposal. In outlining your proposals in Chapter 4 to produce a managed realignment intertidal saltmarsh habitat. Whilst ABP accept that some mudflat areas in particular in managed realignment sites do indeed evolve to more stable saltmarsh communities, we do believe that the statements made in your PEIR require very careful re-consideration before you take them forward to the environmental statement, as in our view replacement habitat should be created on a like-for-like basis.	<p>Since issuing the PEIR further progress regarding the conservation objectives of the Compensation Site has been made in conjunction with NE, RSPB and others.</p> <p>The current objectives of the site include:-</p> <ul style="list-style-type: none"> • provision of long term intertidal mudflat for feeding wader and wildfowl species to the extent likely to be lost directly and indirectly at Killingholme; • provision of a wet roost site for wader species in particular at high tide; and • provision of intertidal mudflat which will be allowed to succeed to saltmarsh. <p>Sub-tidal habitat is a feature of the estuary and will be compensated for by an alternative estuary feature.</p>
Letter from Royal Society for the Protection of Birds	Loss of subtidal and intertidal The RSPB has serious concerns regarding the potential impact the proposed MEP could have on	In terms of the overall estuary the habitat loss of both intertidal mudflat and sub-tidal habitat is less than 0.5 percent for either of these habitats.

Source	Consultee Comment	Response
dated 18 March 2011	<p>the Humber Estuary SPA, SAC and Ramsar site. The predicted scale of habitat loss from the direct impacts of the MEP alone are significant and represent one of the most damaging proposals in recent years. We are especially concerned regarding the loss of intertidal and subtidal habitat. The area of mudflat which will be destroyed by the footprint of the proposed quay is one of the most important foraging areas in the whole of the Estuary for a range of waders including black-tailed godwits.</p>	<p>Therefore in terms of habitat alone it can be argued that the loss of these areas will not be significant in the Humber context especially given the dynamic nature of the estuarine system.</p>
<p>Letter from Royal Society for the Protection of Birds dated 18 March 2011</p>	<p>In addition, further work will be required to refine the understanding of the nature and scale of subtidal habitat loss, and those specific habitats, species and ecological functions that will be affected. The latter is essential to ensure discussions relating to compensatory measures for loss of subtidal habitats are compatible with the current legal and policy framework.</p>	<p>Refer to comments above in response to ABP. Modelling as outlined in <i>Chapter 8</i> has shown the extent of direct and indirect impacts on this habitat. Able's proposals compensate equally or in excess of the loss of all habitat through either mechanisms.</p>

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>Impacts on North Killingholme Haven Pits as a waterbird roost.</p> <p>The neighbouring North Killingholme Haven Pits (SSSI, part of the Humber Estuary SPA and Ramsar site) is also a key roost site for black-tailed godwits, supporting over 97% of the population in Autumn and early winter. The development will further isolate this regularly used roost site from the estuary and result in the loss of a large portion of mudflat which is used by the individuals which rely on this roost site. It is not clear from the PEIR what the changes are likely to be in terms of disturbance stimuli such as noise from construction and operation or if the use of the existing and proposed rail infrastructure will change. The impact of such significant changes to the ecological function of North Killingholme Haven Pits (SSSI, part of the Humber Estuary SPA) need to be better understood and presented in the ES and information to inform an AA, in order that their impacts be properly evaluated.</p>	<p>It is acknowledged that the loss of the Killingholme Marshes may mean that species (mainly black-tailed godwit and possibly redshank and dunlin) may stop utilising the Killingholme Pits at high tide and as such provision of a similar roost site has been incorporated into the design for the Compensation site.</p> <p>With regard to disturbance - as part of the ES, baseline noise, light and visual disturbance levels at the Killingholme Haven Pits were established. From this data it is clear that species utilising the Pits are habituated to noise, light and visual disturbance from the Able and HST sites as well as Haven Road and the adjacent footpath.. For details of the Noise Assessment on NHKP refer to <i>Annex F</i> of the Habitat Regulations report.</p>

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	Indirect effects of the development The RSPB is seriously concerned regarding the lack of detail on indirect effects on intertidal and subtidal features from changes to estuarine processes within the PEIR. The type of detail we would expect to see would include the outputs of hydraulic computer modelling which predicts the changes in estuarine processes including and losses and gains of intertidal and subtidal features across the estuary from the proposed development of the quay and separate prediction with the proposed managed realignment on the north bank at Cherry Cobb Sands. To understand in-combination impacts with other developments further modelling including other proposed managed re-alignment sites such as that at Donna Nook will also need to be completed.	See <i>Chapter 8</i> and <i>Annex 8.3</i> .

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>Biological data limitations</p> <p>The avian bird survey data commissioned specifically for the MEP environmental assessments only covers a single year. The year that the current data collection was undertaken was atypical with an especially cold period in early winter. The recommended standard for avian data collection for a project of this scale and potential impacts on internationally important waterbirds is a minimum of two consecutive years, and longer if the period of data collection covers periods of atypical weather. The data presented in the PEIR is incomplete and insufficient to assess the potential impacts of this development on waterbirds which may be impacted by the development.</p>	<p>It is acknowledged that the winter of 2010/11 has been atypical. However, it is not thought that two years worth of sampled data are required. Firstly the key Autumn period for bird usage at both Killingholme sites was unaffected by the weather conditions in 2010 and secondly both sites have very extensive WeBS and other datasets which provide ample baseline.</p> <p>The bird surveys commissioned by Able should be understood in the context of other extensive survey data for the area which is referred to in <i>Chapter 11</i>.</p>

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	The RSPB believe that all renewable energy should be deployed with the objective of minimising its impacts on the natural environment. This means that development should be focused outside of protected areas and sites of national and international wildlife importance. In the case of port capacity for the offshore wind industry, this should mean prioritising development on locations that do not result in impacts on SPAs, SACs and Ramsar sites.	See <i>Chapter 5</i> and <i>Chapter 6</i> for the need for the development and the choice of the site.
Letter from Royal Society for the Protection of Birds dated 18 March 2011	PEIR makes reference to SSSI VAM documents which are not the same as the conservation objectives for the SSSIs. – Consult NE on the relevant document	Reference to Conservation Objective documents added for both North Killingholme Haven Pits and Humber Estuary SSSI's.

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	We suggest contacting NE to clarify they are happy with timing of surveys for protected species	NE have been consulted on all surveys for habitats and protected species undertaken to date and it is currently understood that they are happy with the survey effort undertaken for species and the timing of surveys. It should be noted that most surveys recently undertaken at the AMEP site are updates of those undertaken in previous years. As such a robust baseline has been collected.

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>We are concerned that only spring passage and breeding bird surveys have been provided in the PEIR for a short period in 2010. The importance of the Humber Estuary for waterbirds during autumn and winter demands that the area affected by the development must be adequately surveyed and reported on during these periods in addition to spring and summer. We are also concerned that the length of bird surveys is relatively short. As detailed in our previous response (October 2010) large or complex developments such as this often require at least two years data to adequately understand the potential impacts and account for inter-annual variation.</p> <p>Please clarify if there are commissioned bird surveys which are missing from this table. Please also clarify if data has been collected for less than two years, how this is justified and confirm confidence levels in the data.</p>	<p>Regarding bird surveys, specifically commissioned surveys for birds have been undertaken for one entire year from April 2010 to March 2011 for wetland bird species along the Killingholme Marshes, at the Killingholme Pits and at the terrestrial Killingholme Fields Roost used by curlew.</p> <p>In addition to this breeding bird surveys were undertaken from April to August 2010. A further breeding bird survey was undertaken between April and June 2011. After agreement with NE this dataset in conjunction with breeding bird data collected by Catley for the Killingholme site for 2007 is thought adequate to provide enough detail for the assessment of breeding birds.</p>

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	We consider that the most recent 5yrs WeBS data is the most appropriate to use. Please note that there are some significant data gaps in the Estuary wide sector data known as Sector 38590.	<p>Reported WeBS sectors have been removed. WeBS data has been collected by Able for a number of years at Killingholme and given the availability of 10 years worth of data to look at as a reference source and for further contextual data it was thought this was worth including especially as one of the Conservation Objectives for maintaining population size clearly states that ‘any longer term trends should be assessed where robust analysis exists’.</p> <p>It is also acknowledged that there are data gaps for the whole Estuary, as such Humber populations for species have been updated and changed using Calbrade <i>et al.</i> (Calbrade,N.A. Holt, C.A. Austin, G.E. Mellan, H.J. Hearn, R.D. Stroud, D.A. Wotton, S.R. and Musgrove, A.J. (2010) Waterbirds in the UK 2008/09: The Wetland Bird Survey. BTO/RSPB/JNCC in association with WWT. Thetford) which gives the most up to date and accurate estimation of counts for species on the Humber Estuary.</p>

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>PEIR states one year of bird data will have been collected by April 2011. This is obviously difficult for us to consider and provide comment on as it is incomplete at the time of the PEIR consultation. We consider that a single years bird survey data may be misleading especially if it was collected during an atypical winter such as that of 2010/11 We are also concerned about the lack of time consultees such as ourselves have to consider this data when it is not available two months before the intended submission date.</p> <p>Please clarify how a single years data collection is justified, if the period during which the data was collected was representative of typical seasonal patterns for the area and the earliest opportunity that this data may be made available for comment by the RSPB.</p>	<p>See previous comment regarding Biological Limitations for a response to this comment regarding the use of one year's worth of data.</p> <p>As stated previously large amounts of data for the Killingholme site already exist. This data is broadly available and trends recorded during IECS field surveys broadly follow those recorded during WeBS and other counts. Furthermore data from they key period of site usage is provided within the ES.</p>
Letter from Royal Society for the Protection of Birds dated 18 March 2011	There is a need to refer to the Ramsar definition of waterbirds. Ramsar sites are treated the same as European sites as a matter of UK Planning Policy (PPS9, paragraph 6, page 5, August 2005, ODPM).	All waterbird species will be considered to be part of the assemblage following the Ramsar definition.
Letter from Royal Society for the Protection of Birds dated 18 March 2011	The PEIR refers to a report by Cutts et al (2008) for the disturbance criteria on which assessments will be based. The RSPB is concerned that the criteria used in the report are not the most appropriate. The criteria used in the report uses no visual signs of	While it is accepted that the Cutts et al (2008) report gives more of a quantitative approach to assessing disturbance to birds, it is not thought that any other publication exists which could provide similar such site specific criteria.

Source	Consultee Comment	Response
	<p>disturbance as a proxy for no reaction from the individual. We are concerned that this is not an appropriate measure of “no reaction” for example individual birds may react but it may not be possible to detect the reaction visually for example increased heart rate. Increase heart rate and metabolism can result in unnecessary use of energy reserves and be detrimental to that individual. We are also concerned that this model is over simplistic as it does not allow and account for environmental variation and other variables which may affect the individual’s reactions under certain conditions. For example in a harsh winter birds which are already stressed and low on energy reserves, that may typically react to disturbance stimuli may not react if under the harsher circumstances they are more focused on conserving energy reserves for survival, this does not mean there is no impact or consequences for the individual nor that they have habituated but it is a particular reaction to the specific circumstances. The RSPB recommends that the disturbance criteria as set out in Cutts et al (2009) are not solely relied upon for the assessment of disturbance related impacts on waterbirds. We recommend that consideration is also given to the ecology and scientific understanding of the given species in the</p>	<p>Noise disturbance has been discussed extensively with Natural England and a report is attached to this Habitat Regulations Assessment (<i>Annex F</i>)</p>

Source	Consultee Comment	Response
	context of the relevant environmental conditions and local parameters.	
Letter from Royal Society for the Protection of Birds dated 18 March 2011	Please note that since the publication of the APFP Regulations 2009 the Habitats regulations referred to have been superseded by The Conservation of Habitats and Species Regulation 2010 (SI No.490). Regulation 48 referenced in the 1994 Regulations has been replaced by Regulation 61 in the 2010 Regulations.	Noted
Letter from Royal Society for the Protection of Birds dated 18 March 2011	We are concerned that there is an intention not to create 'like for like' compensation habitat. The RSPB considers that where compensation meets the requirements of the legal framework it must be 'like for like'.	Refer to response to ABP above.
Letter from Royal Society for the Protection of Birds dated 18 March 2011	Table 11.6 of the PEIR does not show the comprehensive species list for which the SPA and Ramsar are important. The table should show all species which occur within or close to the MEP application site. Examples of absent breeding species which should be in the table include avocet. Add avocet as a breeding Annex 1 species near the application site.	It was thought that only species relevant to the Killingholme site should be included within <i>Table 11.6</i> . As such species such as Little Tern, Bittern, Hen Harrier and Marsh Harrier have been removed as both IECS and WeBS data do not contain any entries for these species. Avocet has been added as a breeding bird as requested.
Letter from Royal Society for the Protection of Birds	Table 11.7 of the PEIR does not show the comprehensive species list for which the SPA and Ramsar are important. The table should show all	Assemblage species not individually listed as part of the SPA were not been included in <i>Table 11.7</i>

Source	Consultee Comment	Response
dated 18 March 2011	<p>species which occur within or close to the MEP application site. Examples of <i>non-breeding</i> species (not just migratory) which should be included in the table include curlew.</p> <p>Add curlew as a non-breeding waterbird feature of the SPA and Ramsar site which occurs in significant number within the MEP proposal site.</p>	
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>The most recent WeBS Low Tide Counts which were carried out estuary wide in 2003/04. This data is now not current therefore, can only be used as reference data for comparison with current survey data of comparable methodology. The estuary Low Tide Counts are planned to start again in September 2011.</p> <p>Current data rather than WeBS data should be used for the assessment of impacts on loss of intertidal on waterbird usage.</p>	<p>WeBS Low Tide data has been removed from the main ES document and is now listed in <i>Annex 11.4.1</i>. It has still been referred to in the text where appropriate to provide contextual data.</p>
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>Table 11.1 of the PEIR - not all waterbirds which form part of the SPA and Ramsar populations are highlighted where the recorded number represents 1% or more of the Estuary's population e.g. Curlew. All SPA and Ramsar waterbirds which meet the 1% threshold of the reference population should be highlighted in blue not just those listed on the SPA citation.</p>	<p>See previous comments regarding assemblage and the amendment to species that are now included in the ES.</p>

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	North Killingholme Haven Pits are highlighted in the PEIR as an important moult site for black-tailed godwit. The impact of the loss of this site for this species will need careful consideration.	Noted and a particular study directly targeting this species has been undertaken as part of the ES (refer to <i>Annex 35.6</i>).
Letter from Royal Society for the Protection of Birds dated 18 March 2011	The proportion of the Humber Estuary's black-tailed godwit population using North Killingholme Haven Pits is notable with 97.8% recorded on the site in August. With such an incredibly high percentage of the Estuary's population using the site avoidance of impacts on this site is a priority. Any need to provide alternative habitat will need to be carefully considered and understood to give confidence that it will be successful at delivering the same ecological function.	Noted and such concerns have been incorporated into the design - firstly of the compensation site but also as part of the impact assessment for the Killingholme Marshes and Pits.

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>A number of breeding birds of conservation concern have been recorded in the application site. Many of these farmland birds will require the wide range of habitats provided by the current mix of habitats within the MEP footprint for safe nesting, winter and summer food.</p> <p>Mitigation measures to avoid and minimise the impacts on breeding birds of conservation concern which use the MEP proposal site should be specified in the final ES. The RSPB would be happy to provide advice on the appropriate mitigation for these species.</p>	<p>Mitigation for breeding birds will be provided mostly within the dedicated mitigation area to the south east of the AMEP site in approximately 48 ha of land. From the details of the bird surveys undertaken by Catley (2007) IECS and other sources - the habitat already present within the mitigation area will be enhanced and managed for species displaced from the AMEP site.</p> <p>In addition to this - habitats will also be created within the AMEP site including a number of green corridors, landscaping features and a tree belt along the edge of Rosper Road - which will all provide some habitat for breeding bird species.</p>
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>Little ringed plover, avocet and barn owl are noted as a likely breeding species on site. As a Schedule 1 species of the Wildlife and Countryside Act 1981 (as amended) it is an offence to intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building or is in or near a nest with eggs or young or disturb the dependent young of such a bird.</p>	Noted.

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>List of potential impacts which could occur as a result of the proposed development appears incomplete. We consider the following should be added to the list:</p> <ul style="list-style-type: none"> - In-direct losses or gains of intertidal and subtidal habitat - Loss or a reduction in value of roosting and loafing opportunities for waterbirds - Changes to sediment distribution in the estuary - Changes to hydrodynamics and the sediment regime of the estuary - Disturbance or displacement of breeding birds including Schedule 1 species <p>Other impacts may also require consideration.</p>	These impacts have been considered in the ES

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>The PEIR states that the direct losses of sub and intertidal habitat are small in the context of the estuary resource. It must be noted that these losses are significant in the current context of losses of internationally important estuarine habitats. The losses considered here are also only the direct ones, it is imperative that the in-direct losses are also calculated and the overall predicted losses and gains are considered together in the context of the whole estuary and the localised part of the estuary that this proposal affects.</p> <p>As raised before the lack of information on in-direct impacts on sub and intertidal habitats at this stage in the process is a considerable concern. The complex habitat modelling which is used to predict and inform understanding of the potential habitat losses and gains and the changes to distribution of habitats will need sufficient time for consultees to consider it adequately.</p>	<p>Indirect impacts have been fully considered in the EIA and the Compensation Site has been designed to offset these effects also.</p> <p>The quantum of habitat losses are detailed in <i>Chapter 5</i> of the Habitat Regulations Report.</p>
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>The PEIR details the importance of the area of intertidal habitat that will be lost as part of the MEP proposal. The figures state that 66% of the black-tailed godwit population use the mudflat at present. This is a significant proportion of the estuary population therefore the loss of this feeding resource could have considerable impacts on the</p>	<p>It is acknowledged that the Killingholme Marshes do support a large proportion of the passage population of black-tailed godwit and this is the key foraging site for this species during passage. To further assess potential impacts to this species a dedicated study has been completed as part of the ES (refer to <i>Annex 35.6</i>).</p>

Source	Consultee Comment	Response
	<p>ability of this species to use the estuary in the future. Mudflats across the estuary appear to support different species with a strong connection between this area and black-tailed godwit being apparent. The relationship and apparent preference for this area of mudflat by this species needs to be well understood in order to identify what mitigation or compensation may be appropriate. Experience on the Humber and elsewhere has shown that replacing intertidal habitats as a foraging resource is complex and challenging. We consider that to meet the requirements of the legal framework any replacement habitat must be in place and functioning before loss. Confidence that the replacement habitat is capable of supporting the same species in the same numbers as the areas lost is vital, especially when a species is heavily reliant on the area to be destroyed.</p> <p>Considerable detail on the potential impact on waterbirds using the area of intertidal which will be destroyed by the development must be included in the ES. Modelling of the impact of habitat losses of this scale will be required. Information detailing when and how replacement habitat could be achieved which is “like for like” and delivers equivalent ecological function e.g. foraging resource for the target species is essential.</p>	<p>However with regard to the use of Killingholme Marshes by this species, evidence from varying sources including Catley 2010 data as well as IECS studies from the Paull Holme Strays Managed Realignment site over the last seven years, do show that other sites especially on the North Humber Bank do support significant populations of the species over the Autumn passage period.</p>

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>The PEIR refers to the loss of 119ha of farmland to the proposal footprint. This area of farmland is known to support populations of waterbirds from the Humber Estuary SPA and Ramsar site. The farmland along this stretch of the Estuary lies within the Employment Allocation known as the South Humber Bank or Gateway. This areas supports estuary waterbirds including waders such as golden plover, lapwing and curlew which exploit the foraging, loafing and roosting opportunities within the farmland. The area which will be lost to the development is especially important for curlew. We consider that the loss of this area would constitute an adverse effect on the Humber Estuary SPA and Ramsar site and as such mitigation will be required. In parallel, to the MEP proposal both North and North East Lincolnshire Council are preparing their Local Development Frameworks (LDFs). As part of the LDF process the Councils have identified that the South Humber Gateway requires strategic mitigation, a partnership of organisations including the RSPB are working together to identify the location and design of strategic mitigation sites. The area around Killingholme Marsh has been identified as one area of search where strategic mitigation should be located. The exact size and detailed location has yet to be agree but the RSPB and NEs advice is that it</p>	<p>This impact from the loss of this area to curlew (no other significant records for waterbird species were taken) has been incorporated into the ES and a dedicated mitigation area (see <i>Section 11.10</i>) has been included to specifically provide habitat for this species. This area has been incorporated into the plans for a strategic mitigation area for the South Humber Bank between Immingham and the Humber Sea Terminal.</p>
ENVIRONMENTAL RESOURCES MANAGEMENT	<p>should be a minimum of 50ha in size and managed as optimal wet grassland for non-breeding waterbirds.</p>	ABLE UK LTD

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>The PEIR states large habitat available so any disturbed birds can just use another part of the estuary and its hinterland.</p> <p>Evidence from experience in Cardiff Bay suggests that it is not possible to rely on birds being displaced from a favoured feeding area making use of apparently similar foraging resources elsewhere in the estuary.</p> <p>It is also reported in the PEIR that the Stillman model (2005) noted that losses of intertidal didn't always result in impacts on populations of a given species; this was attributed to under use of the available feeding resource. However, since that model was developed and reported in 2005, some species populations have significantly increased on the Humber Estuary, therefore it is a reasonable assumption that the available feeding resource is less under utilised than in period of study for the Stillman modelling. However, without running the model again with current data it is impossible to make comparisons to current day. It is also not clear if the affinity of some species such as black-tailed godwit for specific areas of mudflat as a feeding resource within the estuary was considered within the model.</p>	<p>Evidence from Cardiff Bay relates specifically to Redshank and the example is very different from that of the MEP scheme, as no compensation was provided for this species. In this case compensation in excess of the area to be lost will be provided.</p> <p>With respect to the study by Stillman the data utilised was actually from a period between 1998/99 to 2003/04 when the number of birds utilising the Humber Estuary was in fact larger than it has been on average for the last five years. As such, while some species numbers may have gone up, the overall numbers have gone down so feeding reserves may have actually increased, being less heavily utilised.</p> <p>It is acknowledged that the model does not take into account other non-food resource based reasons for utilising particular areas of the estuary such as areas close to roost sites. However this fact has been incorporated into the design of the compensation site as stated previously so that a roost site can be provided as well as mudflat to directly compensate for the loss at Killingholme.</p>
Letter from Royal	BBS data shows 7 red list sp including unconfirmed	Mitigation for breeding birds has been incorporated

Source	Consultee Comment	Response
Society for the Protection of Birds dated 18 March 2011	breeding of LRP, BO and Avocet, all Schedule 1. As noted above measures need to be in place to ensure construction or operational activity does not result in intentional or reckless disturbance of a Schedule 1 species. Mitigation measures also must be considered for breeding birds.	and mitigation measures with regard to construction and operation have been included in the scheme design.

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>As noted above the two local planning authorities are in the process of developing their Local Development Frameworks (LDFs). During this process they have identified that for the Employment land allocation of the South Humber Bank (SHB) strategic mitigation is required to address the impact of habitat loss of the farmland within the SHB which is used by feeding, loafing and roosting Humber Estuary SPA and Ramsar waterbirds. The reference in this section includes the need to consider the two emerging LDF's for this area, it will also be important to consider the strategic mitigation approach and how this proposal will integrate with this approach.</p> <p>We welcome the need to consider coastal squeeze in-combination with the MEP proposal. We consider that this would be best achieved by considering the MEP application in-combination with the Humber Flood Risk Management Strategy 2008 and draft Appropriate Assessment.</p>	<p>The Strategic Mitigation Area has been incorporated into the design of the mitigation developed by Able.</p> <p>As the project fully compensates for all mudflat within the footprint of the reclamation area there can be no incombination effect with the Humber Floor Risk Management Strategy.</p>

Source	Consultee Comment	Response
Letter from Royal Society for the Protection of Birds dated 18 March 2011	The proposal for a Construction Code of Practice to limit and avoid disturbance to wetland birds is welcomed. However, there is clearly potential to adopt a much wider range of mitigation measures including periods of the season or states of tide during which certain activities are excluded in part or all of the site where they may result in waterbird disturbance. We would be happy to provide advice on potential mitigation as appropriate.	It is Able's view that the completion of the works as quick as possible will cause the least cumulative impact to the Humber Estuary and the resident bird population. As such works are planned to continue throughout the year and where logistically possible throughout the tidal cycle.
Letter from Royal Society for the Protection of Birds dated 18 March 2011	<p>The PEIR references the direct effects of the MEP proposal and the need to consider the indirect effects which have not yet been quantified. It is extremely hard to assess the potential impacts on inter and subtidal features even at the broadest level without understanding the nature and scale of potential losses and gains arising from indirect effects.</p> <p>A key issue we have already raised through responses and consultation meetings is the need to consider the indirect impacts on estuarine processes from the MEP proposal, through hydraulic modelling. We consider that the scale of impact could be comparable to the direct effects which result in the loss of 55ha of inter and sub-tidal. The overall amount of intertidal and subtidal losses and gains are critical to understanding and shaping thinking on potential compensation. Our concerns</p>	Indirect impacts are included within the ES and the likely impacts are listed in <i>Chapter 8</i> . Impacts specific to ecology have been listed in <i>Chapter 10</i> .

Source	Consultee Comment	Response
	<p>are confirmed by a reference in the; “Formal pre-application consultation document” January 2011, point 29, page 7 which states: <i>“Subject to further consultation , the maximum amount of compensation land that will be provided is 110 hectares, being twice the estuary land that will be developed, and responses to this consultation will be used to decide the actual amount to be applied for, balancing the advantages and impacts of creating the compensatory habitat. The centre of the compensatory site is at grid reference TA220208”</i></p> <p>We consider that it is not possible to pre-judge the outcome of any potential compensation requirements without full information on both the indirect and direct effects on the intertidal and sub-tidal habitats, in-depth consideration of the compensation requirements and how they can be achieved, understanding of the confidence that the compensation requirements can be met and the advice of Natural England.</p>	
<p>Letter from Royal Society for the Protection of Birds dated 18 March 2011</p>	<p>The use of management works within an existing SSSI are cited within the PEIR as a potential option for mitigation.</p> <p>The RSPB considers that improvement of management of a SSSI would be suitable mitigation for impacts on a SSSI if it can be demonstrated that</p>	<p>This option has not been taken forward.</p>

Source	Consultee Comment	Response
	the management proposed as mitigation can deliver improvements over and above those required to achieve favourable condition. There is no evidence presented that this is the case in respect of North Killingholme Haven Pits.	

Source	Consultee Comment	Response
Letter from Natural England dated 18 March 2011	<p>Habitats Regulations</p> <p>As you will be aware, the proposed development site lies both adjacent to and within the above-listed designated sites. The location of the proposed development in relation to the Humber Estuary and North Killingholme Haven Pits means that the provisions of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2010 will apply. Under the auspices of the Habitats Regulations, in particular Regulations 61 and 62, the Competent Authority will have the statutory responsibility to determine whether or not the proposals are likely to have a significant effect, alone or in combination with other plans or projects, on the Humber Estuary SAC, SPA and Ramsar site. Natural England advises that the scope of the Environmental Impact Assessment should also include sufficient information to allow the Competent Authority to make the judgements required of them under the Habitats Regulations. Any assessment will need to consider potential impacts of the development on estuarine structure and function, and on all of the features of the Humber Estuary SSSI, SPA, Ramsar and SAC, and North Killingholme Haven Pits SSSI.</p>	Noted, and the assessment has been followed following this approach.
Letter from Natural	Whilst this is not Natural England's formal response	It is acknowledged that the Project will have a likely

Source	Consultee Comment	Response
England dated 18 March 2011	under the Habitats Regulations, on the basis of the information provided to date, we advise that the proposal is likely to have a significant effect on the Humber Estuary and North Killingholme Haven Pits designated sites and therefore we anticipate that an appropriate assessment will be required. We will be happy to provide further advice and guidance on this assessment at a later date.	significant effect on the Humber Estuary SPA, SAC, Ramsar site and SSSI (which includes both the Killingholme Marshes and Killingholme Pits). A Habitat Regulations Report is included in the application.

Source	Consultee Comment	Response
Letter from Natural England dated 18 March 2011	<p>Loss of designated site habitat</p> <p>The proposal involves the land claim of 55ha of intertidal and subtidal habitat from the Humber Estuary. This is a significant area of a highly protected site and therefore we expect the potential impacts to be assessed in detail in the ES. Along with the loss of habitat extent, we would also expect there to be considerable indirect impacts from creating a new solid structure of 55ha within the functioning estuary system. We are yet to see any detailed assessment of indirect impacts, but one initial indication is that the area to the south of the new quay will silt up. Survey work has demonstrated that this is an important feeding area for SPA and Ramsar birds. Impacts such as these will need to be factored into the compensation and mitigation requirements. The loss of intertidal habitat will also affect the Humber Estuary SPA and Ramsar site as the area is used by significant numbers of feeding waders, in particular black-tailed godwit, which have been recorded in numbers reaching 66% of the entire estuary population.</p>	<p>The loss of the designated site has been assessed in detail.</p> <p>Indirect impacts have now been modelled and the quantum of loss agreed with Natural England.</p> <p>The importance of the Killingholme Marshes as a feeding site for waterbird species has been included within the assessment and this information has been used to inform the design of the compensation site and mitigation area for producing feeding, loafing and roosting habitat for waterbird species.</p>
Letter from Natural England dated 18 March 2011	<p>Impacts on North Killingholme Haven Pits</p> <p>We are also concerned about the impact on North Killingholme Haven Pits, which is part of the</p>	<p>As previously stated in response to RSPB comments it is acknowledged that the Pits are highly important to a number of waterbird species which</p>

Source	Consultee Comment	Response
	<p>Humber Estuary SPA and Ramsar site, and a separate SSSI. The pits are utilised by significant numbers of waders at high tide and has also supported breeding Avocet, a Wildlife and Countryside Act Schedule 1 species. The proposal will result in the pits being enclosed on 3 sides by substantial port development and is likely to lead to increased disturbance through noise and visual impacts, increased lighting and rail traffic. It is stated that the quay will be operated 24 hours per day, 7 days per week and will be lit. It is also stated that the piling works for the quay will take place 24 hours per day, 7 days per week; no specific mitigation is mentioned in PEIR, however during the workshop held on 9 March, it was stated that there would be seasonal restrictions. This should be clarified in the ES. As stated previously, it is known that there is a link between the intertidal mudflats and the pits, with waders moving between the two areas with the tide. As much of the mudflat will be lost, the predicted impact to the high tide roost must be assessed. The pits are also designated for their saline lagoon interest and the possible impacts on water quality and the functioning of the outflow discharges must be considered fully.</p>	<p>are qualifying interests of the Humber Estuary SPA, Ramsar site and SSSI. It should be noted that Avocet has not bred at Killingholme since 2006 (possibly as a result of the over vegetation of islands within the Pits) and as such has not been thought of as a breeding bird for this site.</p> <p>At the Killingholme Pits baseline data collection for noise and light emissions has been undertaken. This information clearly shows birds are habituated to noise and light emissions at this site (see Habitat Regulations Report Annex F) .</p> <p>While the Killingholme Pits will be enclosed by the AMEP site on three sides, the area around the Pits will in actual fact change little from the current baseline as this area is already developed and has a number of lighting columns across it. Development on this area will only consist of construction of a number of low lying buildings and associated infrastructure.</p> <p>Impacts on the saline lagoon interests are not significant as outlined within <i>Chapter 10</i> .</p>
<p>Letter from Natural England dated 18</p>	<p>Mitigation The proposed development results in the loss of 11</p>	<p>Mitigation for the loss of agricultural fields is fully mitigated for by the provision of ecological</p>

Source	Consultee Comment	Response
March 2011	<p>9ha of agricultural land within the South Humber Gateway. As Able will be aware, a strategic approach to mitigation is required within the Gateway - North Lincolnshire Council's core strategy HRA states "In the case of Policy CS12 there is such a large area of land which will be lost under proposed developments that project level mitigation is not considered sufficient to mitigate the loss of important high tide roost sites. It is widely recognised that a strategic form of mitigation for this level of development within the South Humber Bank Strategic Employment Site (SHBSQS) is required". Therefore any proposed mitigation will need to meet the SHG mitigation principles as set out by Natural England and the RSPB to enable a conclusion of no adverse effect on site integrity to be reached.</p>	mitigation area A within the scheme.

Source	Consultee Comment	Response
Letter from Natural England dated 18 March 2011	<p>Protected species and biodiversity</p> <p>It is somewhat disappointing to see that biodiversity has not apparently been integrated into this major development project. Planning Policy Statement 9 - Biodiversity and Geological Conservation sets out the key principles of national planning policy. These include the principle that planning decisions should aim to maintain and enhance, restore or add to biodiversity and that opportunities for the incorporation of beneficial biodiversity within the design of development should be promoted. The companion 'Guide to Good Practice', published by the Government in 2006, reinforces these principles. It emphasises how "The design, layout and landscaping of new developments offer enormous opportunities to add to, or enhance, biodiversity." It recognises that "major new areas of biodiversity habitat alongside development" can be provided. It also points out that "Major development due to its scale and demand on resources can have both the greatest impact on and provide the greatest benefits to biodiversity".</p>	<p>Masterplanning of the AMEP site has been undertaken which better reflects biodiversity and provides a number of biodiversity, landscape and amenity features.</p> <p>In addition to this, as outlined in <i>Chapter 21</i> and <i>Chapter 11</i>, a dedicated mitigation area has been included within the proposal as outlined in response to NE's comment regarding mitigation above.</p>
Letter from Natural England dated 18 March 2011	Biodiversity considerations should no longer be dealt with as an afterthought, or as a separate part of the planning process, particularly in major	See comment above.

Source	Consultee Comment	Response
	<p>development projects. Natural England considers that the project should include all aspects of its mitigation, compensation and enhancement proposals for biodiversity, irrespective of the requirements of the international and national wildlife legislation which will also apply in this case. The site layout plans appear to show the development proceeding without having secured and integrated all counter-acting measures for habitat and species protection and lacking proposals for enhancement. The area subject to development, even as a busy industrial port, can offer opportunities for conservation and enhancement which, together with land provided to offset the effects on habitats and species on the site, can help to maintain and improve green corridors, networks and habitat links to the wider environment. Substantial areas will need to be secured and incorporated into the master planning for the development site to offset the potential harm to wildlife species and habitats. Natural England advises that this development should be brought forward with all aspects of its proposals fully considered and thoroughly integrated, as part of the iterative processes of good design and environmental assessment.</p>	
Letter from Natural	We are aware that some further surveys are still to	Following further consultation with NE a further

Source	Consultee Comment	Response
England dated 18 March 2011	be carried out such as further great crested newt survey and breeding birds, at the proposed compensation site.	breeding bird survey was undertaken at the AMEP site. Great crested newt surveys were also undertaken to inform any future licensing requirements.
Letter from Natural England dated 18 March 2011	It should be noted that winter 2010/11 has been atypical in terms of the severity of the weather and as a result bird survey results may show unusual numbers and distribution.	As stated in response to RSPB comments regarding the 2010/11 bird surveys, it is acknowledged that this year has been atypical in terms of weather. However, the key Autumn period was not weather affected and field data has been complemented by WeBS data which exists for both Killingholme sites.
Letter from Natural England dated 18 March 2011	BAP species, plus Local Wildlife Sites (LWS) etc should be added as sensitive receptors.	Noted.
Letter from Natural England dated 18 March 2011	As agreed with Natural England the mean of the last 5 years peak counts should be used, as shown in the BTO report for 2008/09. This is detailed in our email of 17 December.	It should be noted that the mean of the last 5 years of peak data has always been used by Able and the presentation of the full 10 years worth of data in the PEIR was done to further increase the contextual understanding of the site and the bird usage of it.
Letter from Natural England dated 18 March 2011	The more recent conservation objectives dated December 2009 should be used. Natural England has certain reservations regarding the Cutts et al (2008) report referenced.	The most recent conservation objectives document has been referred to throughout. With reference to the Cutts <i>et al.</i> (2008) report refer to the RSPB response on the same point above.
Letter from Natural England dated 18 March 2011	It is our current understanding that 'like for like' compensation is required. Measures aimed at different features cannot maintain the coherence of	Able received written advice on this matter from NE and the broad compensation proposals are now agreed.

Source	Consultee Comment	Response
	the network as they must by definition favour one feature to the detriment of another.	
Letter from Natural England dated 18 March 2011	As regards water vole mitigation, we would expect to see enhancements such as an increase in water vole habitat, connectivity with other sites and planting and maintenance to ensure a sufficient food supply once the ditches are surrounded on all sides by development.	An extensive network of new surface water ditches will be created which will provide suitable habitat for water vole.
Letter from Natural England dated 18 March 2011	An elm hedge which may support white letter hairstreak butterfly (an LBAP species) is present on site. Will this hedge be retained?	Following consultation with Lincolnshire Council it is understood that the hedge is in poor current condition as a result of Dutch elm disease. If possible it will be retained within the landscape proposals for the MEP site.
Letter from Natural England dated 18 March 2011	Paragraph 11.5.30 mentions that one of the trees may be suitable for roosting bats. Has this tree been surveyed?	Bat activity surveys for the site were undertaken in July and August 2010 and a dusk/dawn emergence survey of the copse within the site was undertaken in May 2011 and these surveys are reported in <i>Annex 11.3 and 11.8.</i>

Source	Consultee Comment	Response
Letter from Natural England dated 18 March 2011	We would expect to see impacts on assemblage species assessed against the population of those species not against the assemblage as a whole.	Following comment from NE all species which make up part of the assemblage have been individually assessed and a further list of these species listed on the assemblage have been included in the two tables for Killingholme Pits and Killingholme Marshes summarising field and WeBS data.
Letter from Natural England dated 18 March 2011	Paragraph 11.6.18 of the PEIR - It is unclear what is meant by this paragraph and how high tide count data for this site is linked to feeding and roosting Black-tailed godwit at the Pits.	<i>Section 11.6.18</i> has been amended to be clearer.
Letter from Natural England dated 18 March 2011	It would be useful for a table showing all the bird counts for all waterbird species - high tide, low tide and terrestrial counts, together with a count of maximum numbers recorded and the percentage of the species population. This will enable the potential impact to be more easily quantified.	The ES includes this.
Letter from Natural England dated 18 March 2011	Paragraph 11.6.31 of the PEIR states that sector D supports high numbers of SPA birds and is utilised as a feeding habitat. The ES will need to consider how they may be affected when the area becomes enclosed and silts up. Frequent deposition of sediment will affect benthic communities and if the habitat accretes to form saltmarsh, it will make it	Indirect impacts has been included within the impact assessment.

Source	Consultee Comment	Response
	even more unsuitable for feeding birds.	
Letter from Natural England dated 18 March 2011	Paragraph 11.6.38 PEIR states that the site is not important for bird species in the spring. However, this assessment only appears to have been compared against the entire estuary assemblage population rather than individual species population, which may give a completely different picture if a species such as Ruff was present.	This has now been changed to reflect the new interpretation of the SPA assemblage species.
Letter from Natural England dated 18 March 2011	The recent condition survey of North Killingholme Haven Pits, which has been provided to Able UK, states that Pits are highly saline rather than brackish.	Noted, text amended in ES.
Letter from Natural England dated 18 March 2011	PEIR recognises that further data sources are required to provide a robust baseline.	These data sources have been added to the ES.
Letter from Natural England dated 18 March 2011	It is unclear why the data from the HEDC isn't included in the PEIR.	HEDC data has been included within the ES.
Letter from Natural England dated 18 March 2011	The PEIR states that 5 species of bat were recorded feeding on the site but no roosts were found. However, Natural England were previously provided with the bat survey which stated that further survey work for bat roosts was required. We raised this with Jonathan Monk.	Bat surveys were updated in 2011 – refer to response above.

Source	Consultee Comment	Response
Letter from Natural England dated 18 March 2011	We welcome the acknowledgement that an HRA will be required and the necessary information will be provided to the competent authority.	Noted
Letter from Natural England dated 18 March 2011	The impacts of noise and visual disturbance to birds utilising the terrestrial land must be considered.	Mitigation land provides a core of undisturbed habitat for the SPA assemblage.
Letter from Natural England dated 18 March 2011	It is not acceptable to assume that birds will find alternative land when key feeding and roosting sites are lost. These impacts must be mitigated. Indeed it is recognised in North Lincolnshire Council's core strategy HRA that "In the case of Policy CS12 there is such a large area of land which will be lost under proposed developments that project level mitigation is not considered sufficient to mitigate the loss of important high tide roost sites. It is widely recognised that a strategic form of mitigation for this level of development within the South Humber Bank Strategic Employment Site (SHBSES) is required".	A dedicated mitigation area managed specifically for wetland bird species will be created as part of the development. This area has been developed in conjunction with the strategic mitigation area that is required within the North Lincs Council's Core Strategy and has been agreed in consultation with NE.
Letter from Natural England dated 18 March 2011	We welcome the proposal to undertake a thorough assessment of noise and visual disturbance as this will be a key impact, in particular to birds utilising NKHP and the remaining mudflat to the north and south of the new quay.	A noise assessment is included in the Habitat Regulations Report (<i>Annex F</i>).

Source	Consultee Comment	Response
Letter from Natural England dated 18 March 2011	The PEIR states that if birds are disturbed by construction activity they will simply utilise another part of estuary. Natural England does not accept this point. Able UK cannot guarantee that other areas will be available and undisturbed and as has been demonstrated in the PEIR, some areas of the estuary are of particular importance to SPA and Ramsar birds (for example North Killingholme Haven Pits and the adjacent intertidal mudflats). Natural England would expect to see suitable mitigation proposed for this impact in the ES.	The scale and location of the ecological mitigation and compensation sites has been agreed in consultation with NE.
Letter from Natural England dated 18 March 2011	Paragraph 11.8.23 - The impact on SSSI species must also be considered.	Reference to SSSI species has been added to the ES.
Letter from Natural England dated 18 March 2011	PEIR states that the majority of semi-natural habitat will be replaced with gravel or hard standing. The fact that nesting Little ringed plover have been recorded in the area will need to be considered when covering areas with gravel.	Noted
Letter from Natural England dated 18 March 2011	PEIR states that the loss of 55ha will need to be compensated for, however, there is no information on indirect impacts. These will also need to be mitigated and/or compensated for.	Indirect impacts have been assessed and compensation agreed with NE.
Letter from Natural England dated 18 March 2011	As you will be aware, Natural England is still to provide its formal opinion on whether a managed realignment site can compensate for the loss of	Sub-tidal habitat is a feature of the estuary and will be compensated for with an alternative estuarine habitat as agreed with NE.

Source	Consultee Comment	Response
	subtidal habitat. We are treating this as a matter of priority but as set out on our letter of 14 March 2011, it is a complex issue.	
Letter from Natural England dated 18 March 2011	We welcome the proposals to improve management at North Killingholme Haven Pits. Of course, this will be a biodiversity enhancement and not mitigation which must be put in place to ensure that the Pits continue to be used in the same numbers by SPA and Ramsar waterbirds.	This option has not been taken forward.
Letter from Natural England dated 18 March 2011	We welcome the recognition that compensation will be required for erosion impacts and changes in hydro-dynamics.	Noted.
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	Restriction of flows in North Killingholme Haven Pits SSSI due to silting, leading to stagnation, algal proliferation and subsequent effects on other species. This does not appear to be addressed in the PEIR. Clarification of the magnitude and likelihood of this effect would be useful.	Impacts relating to flows and changes in hydrology have been covered in <i>Chapter 10</i> .

Source	Consultee Comment	Response
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	Concern about adequacy of 2006-07 Coastal Bird Survey and winter farmland data survey. Whilst these survey reports have been submitted, further survey data have been submitted, providing a detailed source of data on SPA waterbirds. Note that 2010/11 survey data will be influenced by the severe winter.	Survey data for waterbird species at Killingholme Pits and Killingholme Marshes was collected for 1 year between 2010/11. In addition breeding bird data as well as terrestrial winter roost data was collected to complement the large dataset already available from previous surveys and WeBS. It is noted that the winter of 2010/11 has been atypical and this issue has been addressed in response to comments from both the RSPB and NE.
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	Green corridors are proposed – Section 11.8.24. Landscaping using native species also proposed – Section 4.3.46. More detail of proposed mitigation and enhancement needs to be provided.	Refer to the Indicative Landscape Masterplan included with the application.
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	Badgers 2010 badger survey results to be presented with ES.	Badger survey results have been provided in the ES.
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	Amphibians Surveys carried out to required standard. GCNs confirmed near station road field. Smooth newts in other ponds. Details of proposed mitigation (4 ponds and surrounding terrestrial habitat) required.	Mitigation for GCNs is provided in <i>Section 11.10</i> and the IROPI case requirements. Four ponds will be provided and these will be located within the dedicated mitigation area as provisionally agreed by consultees during various workshops. Further population size class assessment surveys have been undertaken and these will be used to

Source	Consultee Comment	Response
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	Breeding Birds Transects surveyed by IECS may not adequately cover the whole application site. However, with the 2006 Just Ecology survey and 2007 Graham Catley data as well, there should be adequate information on breeding birds. Mitigation for loss of farmland bird habitat is required. This can partly be combined with SPA bird mitigation, wetland corridors and hedgerows. Dedication of Able UK owned land at Chase Hill Wood to the INCA/e-on Chase Hill Wood LNR project would also provide habitat for farmland birds, bats and other displaced species.	inform the potential future licensing process. It is accepted that IECS surveys alone would not be adequate to provide a complete baseline for breeding birds. An additional breeding bird survey was undertaken in 2011 and the Catley 2007 data has also been considered. Mitigation proposals for breeding birds have included providing specific habitat for species by way of land management or habitat creation. The details of this are expanded in the ES. As suggested, this has included combining habitats for wetland bird species as well as breeding birds.
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	Wintering and passage birds Survey information to be made available from a number of sources over several years. Loss of inter-tidal habitat and displacement of waterbirds from both inter-tidal and terrestrial habitat are major effects of this project Note that 2010/11 survey data will be influenced by the severe winter.	Data tables are included in the ES showing a summary of peak counts from IECS surveys and WeBS data for both the Killingholme Marshes and Killingholme Pits.
E-mail from North Lincolnshire Council - William Hill dated 22 March	Water voles AMEP survey data adequate- showing an important population. New wetland corridors with berms proposed to create replacement water vole habitat.	Noted,

Source	Consultee Comment	Response
2011)		
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	Vascular Plants No bespoke vascular plant survey carried out. Local Wildlife Site Data should be used to assess the effects on Station Road Field.	Survey for vascular plants previously carried out by Just Ecology. This data and that from the council has been used to update the assessment as presented in the ES.
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	Trees and Hedgerows (including Parish Hedges) Details to be presented in the ES. Replacement species-rich hedgerows need to be included in landscaping proposals, sited so as not to enclose SPA bird habitat or water vole ditches. Native hedgerow trees could be added to existing hedgerows along Rosper Road as an enhancement.	Replacement hedgerow will be provided within the dedicated mitigation area as well as within the masterplanning for the AMEP site itself. Refer to the Indicative Masterplan.
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	Loss of Station Road Field Local Wildlife Site Loss is acknowledged in Chapter 11. Loss of this 1.7 ha site should be compensated-for by the creation and management of 2 hectares of species-rich neutral grassland using seed of local origin on neutral, nutrient-poor soils. The grassland should ideally be managed as hay meadow with aftermath grazing.	The provision of and management of a species-rich neutral grassland will be provided within the dedicated mitigation area A. This area will be located adjacent to the MEP site.

Source	Consultee Comment	Response
E-mail from North Lincolnshire Council - William Hill dated 22 March2011)	Loss of farmland currently used by 100 wintering/passage curlew Loss acknowledged in Chapter 11. Wet grassland mitigation habitat for curlew needs to be established and managed- ideally. Of the Humber Estuary SPA/ Ramsar. north of Rosper Road Pools, so as to provide linked habitat and to contribute to the South Humber Gateway strategic mitigation for SPA birds.	As part of the dedicated mitigation area, a specific area managed as terrestrial habitat for waterbirds such as curlew is provided. This area will be located adjacent to Rosper Road and will provided in such a way so as to contribute to the strategic mitigation area as required within the South Humber Gateway between Immingham and the Humber Sea Terminal.
E-mail from North Lincolnshire Council - William Hill dated 22 March2011)	Requirement to consider in-combination projects highlighted. Commitment made to provide information on in-combination effects (Section 11.9).	The ES considers the environmental impact of AMEP in-combination with other plans and projects.

Source	Consultee Comment	Response
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	The PEIR recognises that created mudflat is likely to change to saltmarsh. The applicant proposes to accept this change, given that saltmarsh is also valuable SAC habitat. To secure SPA waterbird habitat (as opposed to mudflat per se) in the longer term, the applicant also proposes to create wet roosting and feeding habitat fed by groundwater, rather than the estuary. This seems to be a pragmatic approach to bird conservation at the population level. However, it will not secure mudflat as a SAC/Ramsar habitat in the longer term. Natural England advice will need to be sought therefore.	Following further consultation with NE and other key consultees. Intertidal mudflat will have to be provided in the long term. Intertidal mudflat will also be provided which will be allowed to succeed to saltmarsh. Sub-tidal habitat will be compensated for with alternative estuarine habitat. NE have been consulted throughout this process.
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	PEIR 1.3.4 Adoption of the railway as a private siding should allow the applicant to control train movements through Killingholme Haven Pits so as to minimise disturbance to SPA waterbirds, whilst maintaining essential transport links. For example, train movements at low tide could be prioritised. A sensitive train movement plan could be required as a condition of any consent given.	Trains visiting AMEP will not traverse the section of line through NHKP.
E-mail from North Lincolnshire Council - William Hill dated 22 March	PEIR 4.6.5 Sensitive working methods need to be agreed for piling and other construction method	A detailed assessment of piling impacts is included in the Habitat Regulations Report (<i>Annex F</i>).

Source	Consultee Comment	Response
2011)		
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	PEIR 8.7.2 The form of the proposed quay is being revised and remodelled. I welcome the use of the EIA process to refine the proposed design. However, consultees will need to see a firm proposal for the quay in the Environmental Statement and IPC application.	Noted.
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	PEIR 11.10.9 Provision of hedgerows for breeding birds is important. Habitat for birds and bats could also usefully be provided on Able UK's landholding adjacent to Chase Hill Wood proposed LNR.	This parcel of land is included in our mitigation proposals as area B
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	PEIR Chapter 11 Wet grassland mitigation habitat for curlew needs to be established and managed- ideally north of Rosper Road Pools, so as to provide linked habitat and to contribute to the South Humber Gateway strategic mitigation for SPA birds.	The dedicated mitigation area providing terrestrial habitat for wetland bird species will be located north of Rosper Road Pools and in an area known to be already used by curlew. The area will fit in with the strategic mitigation area plan for the South Humber Gateway.
E-mail from North Lincolnshire Council - William Hill dated 22 March 2011)	PEIR Chapters 16, 17, 19 It is agreed that noise, air pollution, dust and lighting all need to be considered in terms of impacts on ecological receptors.	Noted and these impacts have been included within the relevant chapters and referred back to in ecology.
E-mail from North Lincolnshire	The appropriate assessment of this proposal is likely to be complex and iterative process for the IPC.	A Habitat Regulations Report accompanies the application.

Source	Consultee Comment	Response
Council - William Hill dated 22 March 2011)	Whilst it has not been possible to give detailed comments on Likely Significant Effects here, it will be important to consider these in detail once the ES is produced and once details of the proposal and its compensation and mitigation package have been refined.	
Letter from Humberside Airport dated 20 March 2011	Since the site lies within the Bird Hazard Zone as defined by ODPM1/03, the airport would request the inclusion of more detail on both surface water attenuation schemes on site and also information on subsequent schemes for habitat mitigation in the vicinity of the Bird Hazard Zone. We would like to draw the developers' attention to the International Civil Aviation Organisation (ICAO), in amendment 5 to Annex 14 Volume 1 of the Convention on International Civil Aviation (July 2004, last amended November 2009), states that: "The appropriate authority shall take action to eliminate or to prevent the establishment of garbage disposal dumps or any other source which may attract wildlife to the aerodrome, or its vicinity, unless an appropriate wildlife assessment indicates that they are unlikely to create conditions conducive to a wildlife hazard problem."	No on-site garbage disposal facility or dump will be located for the Project.
Letter from	Annex 2 of the Town and Country Planning	The AMEP site (Killingholme Fields), Killingholme

Source	Consultee Comment	Response
Humberside Airport dated 20 March 2011	<p>(Safeguarding of Aerodromes, Technical sites and Military Explosives Storage Areas) Direction 2002 (ODPM Circular 1/2003) was produced to assist Applicants and Planning Authorities in considering the above. Section 7 states that:</p> <p>“features far beyond an aerodrome boundary may increase the (birdstrike) hazard. If a man-made development provides feeding, roosting or breeding opportunities, or shelter and security, it may, depending on the siting of the development and the species it attracts, increase the number of birds visiting or verifying an aerodrome or the number of birds in the airspace used by aircraft,” ... and that ...”safeguarding may be the only effective way of reducing the risk to aircraft in flight”.</p>	<p>Marshes Mudflat and Killingholme Pits together currently support large numbers of waterbird species which have used these sites over the last 20 years and beyond. These sites can support large numbers of birds with Killingholme Marshes (3766 birds recorded) and Killingholme Pits (4112 birds recorded) being key parts of the middle Humber Estuary for birds during Autumn. Key species include waders such as curlew, lapwing, dunlin, redshank and black-tailed godwit as well as wildfowl such as shoveler, mallard, teal and shelduck. Many of these species do flock together. However, there is a large evidence base which demonstrate that movement of bird species occurs only locally between feeding areas on the Killingholme mudflat and the Killingholme Pits or between the Killingholme mudflat and the terrestrial Killingholme Fields where species such as curlew or lapwing feed.</p> <p>With the AMEP proposal, bird habitat at Killingholme will be significantly reduced from that currently present thus reducing the bird interest at the site and therefore the potential for bird strike. Currently at Killingholme 100 ha of terrestrial habitat and 33 ha of intertidal mudflat will be lost. Birds currently using the site will be displaced from Killingholme Marshes and Killingholme Fields and</p>

Source	Consultee Comment	Response
		<p>moved to other areas in the estuary which will provide similar high tide roosting as well as feeding resource which they require to survive.</p> <p>To mitigate and compensate for this loss of bird habitat, a compensation site will be provided on the north side of the Humber a further 4.5 km away from the Humber Airport (again further reducing bird strike risk from the site). In addition, a further mitigation area will be located adjacent to Rosper Road which will provide a managed terrestrial habitat to mitigate for habitats lost within the AMEP site. The latter of these sites will only safeguard habitat for curlew displaced from fields within the AMEP site. This habitat is already present and currently used by the species (in the form of pasture grassland). Numbers of curlew in this flock only represent a peak of 158 individuals and an average of around 30. The principle aim of the mitigation site is to retain existing flocks which will not increase the risk of bird strike from current levels.</p>

Source	Consultee Comment	Response
Letter from Humberside Airport dated 20 March 2011	<p>Section 8 of the Circular refers to the primary aim of ODPM to guard against new or increased hazards caused by development:</p> <p>“The most important types of development in this respect are: facilities intended for the handling, compaction, treatment or disposal of household and commercial wastes, which attract a variety of species including gulls, starlings, lapwings and corvids; the creation or modification of areas of water such as reservoirs, lakes or ponds, wetlands and marshes, which attract gulls and waterfowl; nature reserves and bird sanctuaries...”</p>	<p>It is acknowledged that the Humber Estuary will be modified by the creation of the quay and that a compensation site as well as a mitigation site will be provided which will be created specifically for waterbird species displaced from the MEP site.</p> <p>Habitat provided as part of the Project will be designed for bird interests already present and will not enhance the potential rate for bird strike.</p> <p>Importantly it should be noted that the current location of those habitats to be provided as part of this scheme lie to the northeast of the Lindsay oil refinery. There is likely to be very limited movement of waterbird species between Killingholme and habitat located closer to the airport (the same as the current situation).</p>

Source	Consultee Comment	Response
IPC Scoping Opinion Report (Section 3.44)	The Commission agrees with the need to consider noise and recommends the consideration of vibration impacts on fish and shellfish in the ES as originally outlined in the Scoping Report (Table 6.6).	The possible impact of noise and vibration on fisheries has been considered (<i>Section 12.6</i>) and its effects on fishing activity have been weighted on the basis of the intensity of the activity, i.e. fishing effort. The direct impact on fish and shellfish (fishing resource) has been assessed in <i>Chapter 10 Aquatic Ecology</i> .
IPC Scoping Opinion Report (Section 3.49)	The commission view is positive to include the local fishing industry in the consultation process	Contact has been made with skippers which are the best placed to comment on fishing effort and species taken in the area.
IPC Scoping Opinion Report (Section 3.50)	Effects of dredging during operation (maintenance dredging) on aquatic ecology should be considered.	The effects of fisheries will be probably linked to ecological aspects such as loss or modification of habitat. Particular consultation on this issue is presented in <i>Chapter 10 Aquatic Ecology</i> .
IPC Scoping Opinion Report (Section 3.51)	The linkages with direct economic activities (commercial fishing and angling) require linkages with the socio-economic assessment.	Consultation with local skippers, anglers and fishery authorities has been completed to gather available information of fishing efforts and angling days (<i>Sections 12.5 and 12.6</i>).

Source	Consultee Comment	Response
Contacts with two local skippers (Grimsby) Comments provided Dec. 2010	Fishing efforts are very limited in the Humber nowadays compared to 20-30 years ago. The area to be developed is only occasionally visited by small trawlers, and the main target is brown shrimp (<i>Crangon</i> sp.)	Information integrated in this document (<i>Sections 12.5 and 12.6</i>). Both skippers opted to remain anonymous.
Letter from MMO in IPC Scoping Opinion Report dated 15 October 2010	<i>'Assessments of noise and vibration effects of piling noise must be carried out in relation to birds, fish, and marine mammals and included in the ES.'</i>	Underwater noise levels have been considered as a potential disruptive activity in <i>Chapter 10 Aquatic Ecology</i> .
E-mail from MMO District Inspector Office dated 23 February 2011	<i>'In the area ... there is very little commercial fishing activity. Some of the smaller under 10m vessels may on occasion fish for Sole with a 80mm demersal trawl but apart from that it is recreational rod and line anglers who fish the areas.'</i>	Information integrated into this document (<i>Sections 12.5 and 12.6</i>).
E-mail from NESFC Environmental Officer dated 01 March 2011	The consultee confirms that commercial fisheries within the Humber estuary are limited. NESFC provided reports on shellfish landings and effort, and on DEFRA shellfish returns in the NESFC district area, including outer Humber estuary.	The information and data provided have been integrated into this document (<i>Sections 12.5 and 12.6</i>).

Source	Consultee Comment	Response
Email from the Representative of local anglers at the Humber Advisory Group on PEIR dated 26 February 2011	The main impact pointed out on recreational sea angling activities is the loss of access for shore fishing and boat anglers in the area.	This impact was accounted for in the assessment (<i>Section 12.6</i>).

Source	Consultee Comment	Response
IPC Scoping Opinion (Executive Summary)	Flooding – the possibility of the proposed site flooding, or causing other sites to flood, thereby causing damage or leading to contamination of ground or surface water.	The Final Flood Risk Assessment and Drainage Strategy Report (<i>Annex 13.1</i>) presents a comprehensive review of flood risks and robust mitigation strategies.
IPC Scoping Opinion (Section 2.17)	The proposed site is shown on the EA Flood Zone Map as lying within Zone 3 (high probability zone). Flood defences in the area generally consist of earth embankments, mostly with rock or stone revetments and concrete wave walls. The current strategy for flood defences is to “hold the line” (i.e. maintain the defences), although it is acknowledged that continued erosion may make this difficult in the long term. The EA recommends a buffer strip is maintained between the estuary and any new development to allow for any work needed in the future.	The buffer strip requirement was specifically discussed with the EA at a meeting on 9 December 2010; the EA confirmed that this requirement is not relevant to the AMEP.
IPC Scoping Opinion (Section 3.52)	The Commission welcomes the preparation of a Flood Risk Assessment. This should be prepared in accordance with the requirements of PPS25 and in consultation with the EA.	The Final Flood Risk Assessment and Drainage Strategy Report (<i>Annex 13.1</i>) has been prepared in accordance with PPS25 and EA requirements, following a series of three meetings with the EA in late 2010.

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 3.53)	This is a low-lying, flat area and the drainage and surface water impacts should be assessed. The Commission advises that the assessment should take into account the latest climate change projections for the UK as detailed at UKCP09 at http://ukclimatechange-projections-ui.defra.gov.uk .	The AMEP lies within the district of the North East Lindsay Drainage Board (NELDB) and a meeting was held with NELDB. NELDB already have a proposed scheme for improving the drainage of the Killingholme Marshes system, comprising the installation of an outfall pumping station and associated channel widening (designed to cater for unrestricted surface water discharges from all potential development sites in the catchment area and ensure that the 100-year plus climate change flows will be contained within the channels of the IDB watercourses). The surface water drainage proposals for the AMEP are compliant with NELDB's requirements.
IPC Scoping Opinion (Section 3.54)	The FRA should cover fluvial flood risks as well as projected tidal risks under present and projected climate change scenarios.	Implementation of the NELDB improvement scheme will eliminate fluvial flood risks as described in the response immediately above.

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 3.55)	The ES needs to consider the potential impacts the proposals could have on the EA's flood defences in this location and other organisations that own and maintain flood management assets in the area.	These issues have been investigated by hydrodynamic and sediment transport modelling. The new quay will replace a section of the existing tidal defences and the effective defence level of the new quay will match the existing defences and incorporate an increase for climate change. The new quay may cause increased wave heights and associated increases in overtopping of adjacent defences, although increased sedimentation is likely to offset these impacts. The quay has been designed to minimise such impacts.
Letter from Anglian Water dated 1 October 2010	Wish to see information on disposal of foul drainage including flow rates and quantities of foul water.	A meeting was held with Anglian Water on 13 October 2010. Foul water will be discharged to the South Killingholme Waste Water Treatment Works (WWTW): Anglian Water has carried out a feasibility study of the required upgrade of South Killingholme WWTW and subsequently carried out the necessary improvement works. Foul flow rates are quoted within the Final Flood Risk Assessment and Drainage Strategy Report.

Source	Consultee Comment	Response
Letter from Anglian Water dated 1 October 2010	Wish to see information on management of surface water. The preferred method of surface water disposal would be a Sustainable Urban Drainage System (SUDS) with connection to a public surface water sewer as a last option.	Ground conditions are not suitable for infiltration drainage and similar SUDS techniques. Therefore, as outlined in the fourth response to the Scoping Opinion above, surface water will discharge to the Killingholme Marshes drainage system, which will be improved by NELDB to cater for unrestricted surface water discharges from this site and all other potential development sites in the catchment area.
E-mail from E.ON UK Plc dated 15 October 2010	Concerned about the impact of the proposed development on the operation and maintenance of their adjacent power station with particular reference to their cooling water intake and outfall (which extract and discharge sea water and pass through the development site).	This aspect is dealt with in <i>Chapter 8</i> .
Letters from Natural England dated 23 July and 15 October 2010	Any proposals to manage flood risk must be in line with the EA's Flood Risk Management Strategy. Any proposals which are not consistent with this strategy will need to be assessed separately under the Habitats Regulations.	As outlined in third response to the Scoping Opinion above, the Final Flood Risk Assessment and Drainage Strategy Report (<i>Annex 13.1</i>) has been prepared in accordance with PPS25 and EA requirements, following a series of three meetings with the EA in late 2010.

Source	Consultee Comment	Response
Letters from Natural England dated 23 July and 15 October 2010	Full consideration must be given to increased site run-off and drainage issues in relation to impacts on the Humber Estuary designated sites (including North Killingholme Haven Pits) and protected species. Incorporation of green roofs and sustainable drainage systems is advised.	As outlined in the fourth response to the Scoping Opinion above, surface water will discharge to the Killingholme Marshes drainage system, which will be improved to cater for unrestricted surface water discharges from this site and all other potential development sites in the catchment area. There will be no discharge of surface water to North Killingholme Haven Pits. Large-span lightweight steel-frame buildings are proposed for the AMEP. The heavy soil loading inherent in green roof construction would require substantial strengthening of the building structures: this would not be appropriate or cost-effective and green roofs will not therefore be used.
E-mail from Network Rail dated 14 March 2011 enclosing letter dated 30 September 2010	The EIA must demonstrate that the development will not interfere with the existing railway drainage and that all surface and foul water arising from the proposed works will be collected and diverted away from Network Rail Property.	The development will not interfere with the existing railway drainage. As outlined in the fourth response to the Scoping Opinion above, surface water will discharge to the Killingholme Marshes drainage system, which will be improved to cater for unrestricted surface water discharges from this site and all other potential development sites in the catchment area. Foul water will be discharged to the South Killingholme WWTW. Thus all surface and foul water arising from the AMEP will be collected and diverted away from Network Rail Property.

Source	Consultee Comment	Response
Letter from Anglian Water dated 16 March 2011	It has been confirmed that the peak flows will exceed the existing capacity of South Killingholme Sewage Treatment Works and that major upgrades or alternate strategies will be required. Funding for these works will need to be sought via our periodic review with our regulators Ofwat.	Noted.
Letter from Anglian Water dated 16 March 2011	Anglian Water continues to discuss this development with all parties involved to ensure that the most sustainable solution to draining the site for both foul and surface water is achieved and that the existing sludge / waste mains and structures are incorporated as appropriate.	Noted.
Letter from Environment Agency dated 18 March 2011	We support the proposal to connect the foul drainage from the development to an improved mains foul sewer network, following agreement from Anglian Water Services (AWS). However, we would expect the ES to include details of flows for sewage and trade effluent from the Marine Energy Park, together with discussion on any potential effects on the receiving water body. We understand that discussions are already taking place with AWS in respect of this issue.	Details of flows for sewage and trade effluent from the AMEP are presented in <i>Chapter 7</i> of the Final Flood Risk Assessment and Drainage Strategy Report in <i>Annex 13.1</i> of this Environmental Statement (ES). Any potential effects of the discharge from the WWTW on the receiving water body will be controlled by other consents to be obtained by Anglian Water as part of their upgrading of the WWTW.

Source	Consultee Comment	Response
Letter from Environment Agency dated 18 March 2011	Providing that the proposed Customs House is not located within close proximity to an existing foul sewer network, where it would be reasonable to expect connection, we would have no objection in principle to the proposed discharge via a package treatment plant.	Noted, a package treatment plant is proposed at this stage, subject to detailed design and costing.
Letter from Environment Agency dated 18 March 2011	The concept of the buffer strip relates to the ability of appropriate parties to maintain the defence. Whilst the site is active, this will be the responsibility of Able. We require assurances that when the site is decommissioned adequate provision is made to ensure appropriate person(s)/organisation(s) can continue to undertake maintenance. This aspect may require conditioning/agreement via the appropriate mechanism.	Maintenance access to adjacent flood defences will be maintained for the benefit of the maintaining party.
Letter from Environment Agency dated 18 March 2011	The EA letter of 18 March 2011 includes numerous other comments on PEIR Chapter 13 and the associated JBA FRA in <i>Annex 13.1</i> .	Significant comments are listed in this table. Minor comments have been addressed where appropriate in this ES and in the Final FRA in <i>Annex 13.1</i> .

Source	Consultee Comment	Response
Letter from BNP Paribas Real Estate dated 17 March 2011	The proposed Marine Energy Park will result in a large area of land on the south bank of the River Humber being developed and land being reclaimed from the Humber. Centrica are concerned that there will be a loss of functional floodplain resulting in a reduction in floodwater storage areas and an increase in flooding on surrounding sites.	Extensive hydrodynamic modelling of the Humber Estuary has been undertaken to assess the impact of the construction of the quay. The quay has been designed to minimise the impact on the adjacent coastal defences but there is a small residual increased risk of overtopping. Modelling of potential breaches in tidal defences has indicated that the proposed raised site levels result in only a marginal increase in flood risk elsewhere. Compensatory intertidal habitat is to be provided at Sunk Island on the north bank of the Humber Estuary. Further details are contained in the Flood Risk Assessments in <i>Annex 13.1</i> and <i>Volume 2</i> .
Letter from Associated British Ports dated 18 March 2011	Chapter 13 of the PEIR (Drainage and Flood Risk) is a wide-ranging chapter and is perhaps a little lacking in detail. Again, as with all of the chapters, we appreciate that you are still awaiting final details but when you do refer to consultations with other bodies, for example at paragraph 13.11.13 with regard to your proposed compensation site, it would be useful if those consultations are detailed, minutes of meetings, copy correspondence etc included possibly as an appendix to the chapter in the final Environmental Statement	The Final Flood Risk Assessment and Drainage Strategy Report (<i>Annex 13.1</i>) presents a comprehensive review of flood risks and robust mitigation strategies and includes copies of correspondence from key consultees.

Source	Consultee Comment	Response
Letter from Natural England dated 18 March 2011	The functioning of the outflow discharges from North Killingholme Haven Pits must be considered fully.	The North Killingholme Haven Pits are outside the AMEP site. These two sites are in different watercourse catchments and they are not hydraulically connected. The AMEP will therefore have no impact on the water levels or the salinity within the North Killingholme Haven Pits.
E-mail from North Lincolnshire Council dated 22 March 2011	Restriction of flows in North Killingholme Haven Pits SSSI due to silting, leading to stagnation, algal proliferation and subsequent effects on other species does not appear to be addressed in the PEIR. Clarification of the magnitude and likelihood of this effect would be useful.	The North Killingholme Haven Pits are outside the AMEP site. These two sites are in different watercourse catchments and they are not hydraulically connected. The AMEP will therefore have no impact on flows in the North Killingholme Haven Pits.
Email from ConocoPhillips dated 30 March 2011	Surface water drainage management is a priority issue for the South Humber Bank. AMEP represents a large increase in hard surfaced area and therefore changes to surface water run-off must be designed to avoid flooding of the surrounding area also served by the present drainage system both during construction and operation.	As outlined above, surface water will discharge to the Killingholme Marshes drainage system, which will be improved to cater for unrestricted surface water discharges from this site and all other potential development sites in the catchment area. Construction activities will be programmed so that the operation of the Killingholme Marshes drainage system and outfall are not compromised at any time.
Email from ConocoPhillips dated 30 March 2011	The proposed AMEP quay must not adversely impact the flood risk for South Humber Bank during construction or operation.	Construction activities will be programmed so that the continuity of tidal defences is not compromised at any time.

Consultee	Comment	How this has been addressed
Letter from ABP Humber Estuary Services dated 18 October 2010	<p>The extremities of the proposed quay are in close proximity to existing facilities of Humber Sea Terminal to the North and Killingholme Oil Jetty to the South. Safe operation during both construction and operation is a concern.</p> <p>Request for a vessel management plan.</p> <p>Real time full motion simulation is required to ascertain the extent of the turning apron.</p> <p>ES must identify clearly the assumptions as to how the level of operation is expected to operate in the wider context of shipping in the river Humber.</p>	<p>Real time simulation exercises have been undertaken at South Tyneside College in the presence of the Harbour Master and a Senior Pilot.</p> <p>A navigation and safety workshop was held with key stakeholders on 25 January 2011.</p>
Letter from Simon Group dated 18 October 2010	Need to ensure that the safe navigation and berthing of river traffic are not compromised as a result of the proposal.	Addressed by the simulation studies and the risk assessment.

Consultee	Comment	How this has been addressed
Letter from Hartnell Taylor Cook on behalf of the Maritime and Coastguard Agency dated 14 October 2010	Developer should contact the Marine Management Organisation. Developer should be aware of the Port Marine Safety Code. Developer should consult the Harbour Authority. Developer should consider undertaking a risk assessment to determine impacts on navigational safety.	The MMO has been consulted. The Harbour Master has been consulted. The applicant has appointed suitably qualified and experienced consultants to advise them and a robust risk assessment has been undertaken.
Letter from Trinity House dated 14 October 2010	Navigation studies need to include: <ul style="list-style-type: none"> - Impact on existing aids to navigation in the area during the daytime and night time; - Need for navigational lighting on the quay; - Provision to be made for continued lighting in the event that the quay is abandoned. 	The navigation risk assessment considers these issues.
Letter from Maritime and Coastguard Agency dated 01 March 2011	PMSC is relevant; a robust safety management system is required for the project. Potential for a pinch point to be created on the Humber. Constructions may inhibit lines of sight for aids to navigation and port lighting could impact on mariners' night vision and visibility of aids to navigation.	The navigation risk assessment considers these issues.
E-mail from Navigation Directorate dated 11 March 2011	Any alterations or additional aids to navigation need to be discussed and agreed with the local harbour authority.	The local harbour authority has been consulted.

Consultee	Comment	How this has been addressed
Letter from Hickling Gray Associates on behalf of Mr. S. Kirkwood and Mr. A.P. Leake dated 17 March 2011	Proposed development may result in additional silting of navigable channels.	The assessment found no supporting evidence for this.

Source	Consultee Comment	Response
Letter from Centrica dated 16 August 2010	Assess in ES and minimise additional vehicle movements on Chase Hill Road.	The assessment of traffic impact in the ES considers the immediate highway network to the site including the impact on Chase Hill Road.
Letter from Osborne Clarke (on behalf of ABP) dated 16 August 2010	<p>Include transport assessment in ES.</p> <p>Provide clarity on how the development is serviced in terms of transport i.e. how each use will be serviced by road, sea and rail using mode splits.</p> <p>An assessment of the proposed use of the existing railway should be provided.</p>	<p>The TA is included as <i>Annex 15.1</i> in the ES.</p> <p>A detailed description of the access by all modes is provided in <i>Paragraphs 15.5.6 to 15.5.17</i> of the ES. In terms of the proportions of each mode used in delivering materials to the site, a number of assumptions have been used for the purposes of the assessment. These are shown in <i>Table 15.6</i> of the ES.</p> <p>See the response to the Network Rail comment below.</p>

Source	Consultee Comment	Response
Letter from HSE dated 16 August 2010	Suggestions for internal layout of the site: <ul style="list-style-type: none"> - Safe pedestrian and vehicular segregations - Safe movement of traffic - One way traffic system - Minimise reversing - Exclude pedestrians from high risk areas - Dedicated walkways and crossings - Avoiding mixing types of Vehicles. 	These elements are taken into account in the detail of the site Masterplan, and this is described in <i>Chapter 4</i> of the ES.

Source	Consultee Comment	Response
Letter from Network Rail dated 16 August 2010	<p>Justification that trains can run through the site with no disruption to existing services.</p> <p>Maintenance points should be taken account of in the proposals.</p>	<p>Network Rail confirm that, based on current demand, there is sufficient capacity on the Killingholme branch (KIL1 and KIL2) between Humber Road Junction and the proposed ABLE UK connection (adjacent to Regent Oil Level Crossing) to support 2 extra train paths per 'day'. For the avoidance of doubt a 'day' is classified as the full 24 hour cycle and it must be recognised that Network Rail cannot guarantee when within the cycle, paths would be made available.</p> <p>In other words, Network Rail has agreed that no significant rail traffic impacts will arise from the proposed use, which they agree may be up to 500 trains per year, with a maximum of 2 per day.</p> <p>Also see <i>Paragraphs 15.5.12 and 15.5.13</i> of the ES.</p>
	Works may be required to prevent large trailers grounding over railway crossings.	Noted. See <i>Paragraphs 15.8.23 and 15.8.24</i> of the ES.
Letter from North Killingholme Parish Council dated 16 August 2010	Existing road network not being able to cope with the proposals.	An assessment of the impact of the development traffic during construction and operation has been undertaken to identify which highway links / junctions will need improvements, to mitigate any impact. See <i>Section 15.6</i> of the ES.
	Concern of dust from HGVs.	This is addressed in the Air Quality chapter. See <i>Chapter 17</i> of the ES

Source	Consultee Comment	Response
Email from West Lindsay District Council dated 20 October 2010	<p>The routing of traffic (employees/servicing/ deliveries) to and from the site (vehicles travelling from the south are likely to pass through the district).</p> <p>The implications of using the Barnetby-Gainsborough Central railway line.</p> <p>The implications for employment (potential for additional employment in the north-east of the district but relatively poor highway / public transport connectivity to the Humber bank, especially given the ‘missing link’ of the A1173 between Riby and the A180.</p>	<p>An assessment of the impact of the traffic during construction and operation has been undertaken. See <i>Section 15.6</i> of the ES.</p> <p>A Travel Plan for the site has been prepared and will assist in reducing the number of single occupancy car journeys to and from the site. See <i>Annex 15.2</i> of the ES</p> <p>A Traffic Management Plan will also be prepared to identify the routes and arrival / departure times of HGVs during construction and operation. This will be prepared prior to the construction phase commencing.</p> <p>Implications for usage of the railway line to deliver materials to the site will be limited, with a maximum of 2 trains per day – see response to network rail’s comment.</p> <p>Although public transport to the site is relatively poor, access to and from the site will be enhanced through the measures included in the Travel Plan. In particular, shuttle bus routes will be developed to provide transport for employees in the least connected areas. These will be developed during and after any recruitment period. See <i>Paragraphs 15.6.7 to 15.6.10</i> of the ES.</p>

Source	Consultee Comment	Response
Email from Highways Agency dated 31 March 2011	Include the A160 as a sensitive link, and apply the 10% threshold in the assessment.	Text has been included to acknowledge this in <i>Paragraph 15.3.2</i> and <i>15.3.3</i> of the ES.
Letter from Road Haulage Association in dated 31 March 2011	Update the Travel Plan as the traffic information is agreed. There would be some requirement for the raw materials for producing the wind turbines to be delivered in via the roads network; however there is no reference to the volumes or loads required, which makes it difficult to comment on what the affects may be.	The Travel Plan has been updated The assumptions used for the HGV deliveries to and from the site by road are included in <i>Table 15.2</i> of the ES.

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 2.42)	The Commission recommends that the ES should include a clear description of all aspects of the proposed development, at the construction, operation and decommissioning stages, and include noise.	Noise impacts from the development have been assessed
IPC Scoping Opinion (Section 3.20)	Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Commission considers it is an important consideration <i>per se</i> , as well as being the source of further impacts in terms of air quality and noise and vibration.	The effects of road traffic noise have been addressed in the ES and the assessment is guided by the DMRB.
IPC Scoping Opinion (Section 3.39)	The scoping report does not cover surveys and assessment for amphibians, vascular plants, important hedgerows and trees. The effect on invertebrates should not be limited to the potential impacts of noise and vibration. The effect on marine mammals should not be limited to the potential impacts of discharges. The effects on migratory lamprey should not be limited to the potential impacts of dredging and disposal. The Commission advises that these matters should be addressed in the ES or a full explanation provided as to why this was not considered appropriate.	Assessments of noise and vibration effects of piling noise in relation to fish and marine mammals have been assessed and are included in <i>Chapter 10</i> .

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 3.44)	The Commission notes the reference to potential noise impacts on fish and shellfish (Table 6.6 of the Scoping Report). The Commission agrees with the need to consider noise and also recommends the consideration of vibration impacts and refers the Applicant to the comments by the MMO regarding assessment of noise and vibration impacts from piling (see Appendix 2). Consideration should also be given to monitoring any potential impacts which may arise from piling during the construction phase.	Assessments of noise and vibration effects of piling noise in relation to fish and marine mammals have been assessed and are included in <i>Chapter 10</i> .
IPC Scoping Opinion (Section 3.59)	The assessment should take account of the traffic impacts and consider noise and vibration impacts along access routes, especially during the construction phase. The interrelationship of noise and vibration impacts with the ecological impacts, both terrestrial and marine, should also be considered.	The effects of road traffic noise have been assessed.
IPC Scoping Opinion (Section 3.60)	Noise and vibration levels along the foreshore potentially affecting birds and fish should be also be addressed.	Assessments of noise and vibration effects of piling noise in relation to birds, fish and marine mammals have been assessed and are included in <i>Chapter 10</i> and <i>11</i> .
Email from East Halton Parish Council dated 15 October 2010	General concerns regarding project including noise.	Noise impacts from the development have been assessed.

Source	Consultee Comment	Response
Letter from Natural England Letter dated 23 July 2010	Assess noise and light for construction and operation within estuary and other sensitive receptors in ES.	Assessments of noise in relation to birds, fish and marine mammals have been assessed and are included in <i>Chapters 10</i> and <i>11</i> .
Letter from Royal Society for the Protection of Birds dated 6 August 2010	Noise and visual disturbance to birds SPA, SSSI's and Ramsar sites.	Assessments of noise in relation to birds, fish and marine mammals have been assessed and are included in <i>Chapters 10</i> and <i>11</i> .

Source	Consultee Comment	Response
Letter from Natural England dated 18 March 2010	<p>Paragraph 16.3.12 states that the assessment of impacts need only be undertaken at sites which are subject to statutory protection. This is not consistent with table 10.9 in the aquatic ecology chapter.</p>	<p>Assessments of noise in relation to birds, fish and marine mammals have been assessed and are included in <i>Chapters 10 and 11</i>.</p>
	<p>Paragraph 16.3.14 identifies a number of sensitive receptors; however, only one environmental site (North Killingholme Haven Pits) was monitored. We assume further information on noise impacts to protected sites and species, both terrestrial and marine, will be included in the ES?</p>	<p>Assessments of noise in relation to birds, fish and marine mammals have been assessed and are included in <i>Chapters 10 and 11</i>. Location S3 on Marsh Lane was monitored to provide data that is considered to be representative of the Rosper Road pools location.</p>
	<p>Paragraph 16.6.2 states that the majority of receptors are greater than 200m away. Obviously the estuarine environment is directly adjacent to the proposed development; this should be amended and assessed further.</p>	
	<p>Paragraph 16.9.2 states that construction will take place 24hr per day, 7 days per week; however the proposed mitigation in this chapter refers to generic good practice guidelines. Noise is likely to be a significant issue for this development and therefore much more information is required, for example predicted noise levels for different types of working/ machinery/ different stages of the development, noise attenuation through the water column, construction and operational impacts on North Killingholme Haven Pits and the remaining intertidal areas, timing carried</p>	<p>Airborne noise from construction has been predicted, and where potential impacts have been identified, the impacts will need to be verified during construction and managed according to the good construction practice. Marine noise impacts and mitigation are discussed in <i>Chapter 10</i>.</p>

Source	Consultee Comment	Response
As Above	restrictions where necessary. During the 9 March workshop it was stated that piling would not be out over winter, plus the piles would be shrouded. This is not mentioned in this chapter.	
E-mail from North Lincolnshire Council dated 22 March 2011	I am concerned that the LA ₉₀ background noise measurements have been derived by taking the arithmetic mean of a series of measurements. This is not an acceptable method of deriving the LA ₉₀ and may lead to overestimate of the background noise. In the absences of a single LA ₉₀ result covering a given time period, the lower results should be used to allow assessment of the predicted site noise against the quieter background noise levels	Determination of representative background noise levels for assessment purpose by adopting the lower LA ₉₀ noise levels would certainly prevent an overestimate of the background noise level. This would be considered suitable where the site noise is compared to the background plus a nominal amount, typically 5dB, known as the “background plus” method. However, as NLC had previously stated that the site specific noise should not exceed the background noise level; there was no indication as to how a representative background noise level would be calculated or determined. Based on this direction from the NLC, it was considered that the lowest LA ₉₀ values would not be considered acceptable in combination with the impact assessment methodology. Further consultation developed a suitable method of determination of representative background noise levels which is outlined in <i>Section 16.4</i> .

Source	Consultee Comment	Response
IPC Scoping Opinion Report (Section 3.61)	The physical scope of the assessment area should be discussed and agreed with the relevant local authorities. Air quality and dust levels should be considered not only on site but also off site, during construction and operation, including along access roads and local footpaths as well as the Humber Estuary. Although the site is not designated as an Air Quality Management Area (AQMA), there is one at nearby Immingham and also at Scunthorpe. However, the proposed site lies within a sensitive area that includes national and European designated wildlife sites. The impacts on the Humber Estuary should be carefully assessed. There is the need to consider potential related effects due to an increase in airborne pollution especially during construction.	These points are covered in the impact assessment, and in addition consideration is made of potentially elevated baseline conditions in areas other than AQMAs. Reference: throughout the assessment

Source	Consultee Comment	Response
IPC Scoping Opinion Report (Section 3.62)	The Commission does not agree with the proposal within the Scoping Report at paragraph 6.8.45 to limit the air quality impact assessment during operation to the emissions from the biomass plant. The assessment should take account of all emissions from the proposed development itself as well as emissions from shipping, road and rail movements from and to site. The traffic impacts and the interrelationship with the ecological impacts, both terrestrial and marine, should also be considered.	Agreed, the scope of works will include all potentially significant impacts associated with the proposed development. It should also be noted that the biomass plant is no longer going ahead. Reference: throughout the assessment
IPC Scoping Opinion Report (Section 3.63)	The implications of stack height and dispersion of the discharge needs to be clearly explained. The Commission recommends that dispersion modelling considers a range of possibilities and seeks to ensure that the worst case is assessed, for example the worst case may occur as a short term impact or result from change in fuel type.	This is no longer relevant due to the absence of major point source emissions on site.
IPC Scoping Opinion Report (Section 3.64)	In addition to the nearest residential communities identified in the Scoping Report (paragraph 6.8.2) communities along the north bank of the Humber Estuary should also be considered and included in the dispersion modelling.	This has been included in the assessment as required; however it should be noted that impacts on the North Coast of the Humber have been identified as negligible. Reference: throughout the assessment

Source	Consultee Comment	Response
IPC Scoping Opinion Report (Section 3.65)	The ES will need to describe the final abatement technologies chosen to mitigate against the potential environmental effects and provide the justification for the applicant's choices. Storage of abatement materials must adhere to relevant HSE Regulations.	The selection of abatement technologies is considered to no longer be relevant in the absence of major point source emissions.
IPC Scoping Opinion Report (Section 3.66)	Consideration should be given to monitoring dust complaints.	Consideration of potential dust impact, mitigation and a complaints register has been included in the assessment. Reference: Section 17.6
IPC Scoping Opinion Report (Section 3.90)	The A160 is of particular concern regarding both air quality and road safety and should be thoroughly assessed along with other major roads in the area, including the A180.	Impacts associated with traffic, during construction and operation, has been included in the assessment. Reference: <i>Section 17.6</i>
IPC Scoping Opinion Report (Section 4.18)	The Commission considers that the ES will need to set out the parameters for climate change assessment and address the cumulative effect on local and regional environmental control limits (i.e. Local Authorities Air Quality Management Areas). This information should be dealt with in the ES under a number of specialist topics and the applicant may care to consider whether it would be helpful if this information was also collated into one section in order to better understand how the cumulative impacts have been addressed.	Climate change impacts have been assessed in terms of project related CO ₂ emissions, quantified where possible. Reference: <i>Section 17.6</i>

Source	Consultee Comment	Response
Letter from Mrs. G Harper dated 26 July 2010	<i>'Safety Concerns with regards to the rail crossing with increased traffic as Mrs Harper has two teenage children. Air Quality and Emissions from vehicles and dust. Chemical odour coming from the site. Noise from wind turbines operating onsite. Also of major concern is the potential pollution from the proposed Biomass Power Station, and loss of amenity by decreased river view and noise pollution. Mrs Harper supports the project in principle however she has concerns about the environmental impact on her family and the healthy living and amenity of her family.'</i>	<p>Air quality impacts arising from additional vehicles during construction and operation have been assessed;</p> <p>Reference: <i>Section 17.6</i></p> <p>Impacts due to potential nuisance (dust) during construction have been assessed. Dust emissions during operations were considered to be negligible and were not assessed;</p> <p>Reference: <i>Section 17.6</i></p> <p>Impacts due to potential nuisance (odour) during operation have been assessed. Odour emissions during construction were considered to be negligible and were not assessed;</p> <p>Reference: <i>Section 17.6</i></p> <p>The biomass plant has been dropped from the proposals and was therefore not assessed.</p>

Source	Consultee Comment	Response
Letters from: Natural England dated 23 July 2010 Lincolnshire Wildlife Trust dated 5 August 2010 RSPB dated 6 August 2010	<p><i>'NE agrees with the project in principle. NE's very detailed and extensive comments on the pre-application consultation already undertaken are briefly summarised here:- Air quality and emissions - this must include emissions from the proposed biomass plant. Natural England expressed concerns with the in-combination effects of the many biomass plants currently on the Humber Estuary...</i></p> <p><i>...In conclusion - Natural England welcome this early consultation on this proposal, however without prejudice to the consideration and discussion of further information have grave concerns in relation to the impact of the Project on the Humber Estuary SAC, SPA and Ramsar site. A development of this scale is likely to have numerous adverse effects and will only be able to proceed with a comprehensive justification that there are no alternatives and that the development is of public interest. If this tests are successfully passed then a comprehensive compensation package must be delivered to ensure that overall coherence of the Natura 2000 network is protected. A detailed specification of information required for the ES is attached to NE's letter.'</i></p>	<p>Potential air quality impacts at sensitive ecological receptors (due to scheme related emissions) have been included in the assessment. These were assessed with due consideration of all project related emissions in order to capture impacts (i.e. shipping, on site emissions, traffic sources and rail sources). With regard to the Humber Estuary, the impact assessment considered the estuary as a whole, but also made reference to specific habitats within the estuary, as different habitats are sensitive to airborne pollutants to different extents.</p> <p>Reference: Section 17.6</p> <p>Cumulative impacts associated with emissions from committed but as yet unbuilt schemes have been addressed.</p> <p>Reference: Section 17.6</p> <p>The biomass plant has been dropped from the proposals and was therefore not assessed. As a result of the removal of the biomass plant from the proposals, the likely most significant source of emissions from the perspective of sensitive habitats has been removed from the scheme design.</p> <p>Lincolnshire Wildlife Trust and the RSPB agreed with the comments raised by Natural England.</p>

Source	Consultee Comment	Response
Letter from Hull and Goole Port Health Authority dated 8 th July 2010	<i>'Supports the decision in principle... The air quality and emissions with regards to the biomass wood products were raised as potentially significant issues. It is important that the products be handled and stored by the method of dust suppression.'</i>	The biomass plant has been dropped from the proposals and was therefore not assessed.
Letter/E-mail from North Lincolnshire Council Development Control dated 6th August 2010	<i>'Assess cumulative impacts with Able's proposal at East Halton, Drax Heron Energy Plant, plans and projects in Humberside unitary authorities' plans, the Environment Agency's Humber Flood Risk Management Strategy and Killingholme Marshes Drainage Scheme.'</i>	Cumulative impacts associated with the schemes outlined in the response have been assessed. Reference: Section 17.6

Source	Consultee Comment	Response
English Heritage informal letter 30 July 10	English Heritage Notes presence of Listed Buildings in vicinity of site and necessity of EIA to consider effects on these assets.	Acknowledged
NLC Informal Consultation responses August 2010	The principal points are that: The AMEP site contains <i>'the potential to contain other, as yet unrecognised, heritage assets, as well as palaeoenvironmental deposits'</i> .	Recognised in desk study. Further site investigations undertaken and proposed.
	that <i>'Environmental impact assessment on the significance of heritage assets and the historic environment should thus include desk study and field investigations to be undertaken in accordance with the procedures set out in the draft NPS for Ports (paras. 2.24.1-20), PPS5 Planning for The Historic Environment and the accompanying Practice Guide, and local plan policies HE8 & 9.'</i>	As above
	That the results of these assessments will enable the IPC to make informed decisions regarding development affecting any significant heritage assets, and any mitigation and/or recording that may be appropriate to conserve such features.	Further consultations with NLC and English Heritage will develop mitigation strategies in due course.
IPC Scoping Opinion Report paragraph 3.71	Scope of the study should include all of historic environment not just marine.	Now done
IPC Scoping	Justification for choice of study area to clearly	Agreed with English Heritage in January 2011.

Source	Consultee Comment	Response
Opinion Report paragraph 3.72	defined.	
IPC Scoping Opinion Report paragraph 3.73	Notes that wrecks may be affected and will requirement impact assessment and mitigation.	Assessment undertaken
IPC Scoping Opinion Report paragraph 3.74	Notes need to consider effects on marine archaeology of quay construction and dredging.	Assessment undertaken
IPC Scoping Opinion Report paragraph 3.75	Notes that English Heritage is the body responsible for agreeing mitigation below Low Water Mark.	Acknowledged
IPC Scoping Opinion Report paragraph 3.76	Notes that assessment should also include indirect effects on marine archaeology through changes in hydrodynamic and sedimentary regime in the estuary.	Acknowledged
IPC Scoping Opinion Report paragraph 3.77	Consideration should be given to monitoring of impacts through all phases.	Will be included in mitigation strategy.
Letter from English Heritage in IPC Scoping Opinion (dated 07.10.10)	EIA requires assessment of impacts on all designated heritage assets within a suitable (poss. 10km) radius.	Agreed with English Heritage in January 2011.
Letter from NLC in IPC Scoping Opinion (dated 13/10/2010)	Sets out detailed requirements for assessment.	Scope and timing to be further discussed with NLC archaeological Officer.

Source	Consultee Comment	Response
Letter from English Heritage in response to PEIR consultation (dated 07/03/2011)	General comments:	
	The EIA and mitigation will require consideration of terrestrial and marine components together with the complex geomorphological history of the Humber	Acknowledged
	Foreshore and marine components will require comprehensive mitigation	Acknowledged
	Consistency across background documents	
	Specific comments	
	Title of chapter should be The Historic Environment	Confirmed
	Need to include NLC's Core strategy policies	See <i>Section 18.2</i>
	Include reference to additional policy/guidance	See <i>Section 18.2</i>
	Impact assessment needs to consider long term nature of setting and physical effects, during Operational and Construction Phases. Preservation in situ of buried deposits unlikely to be achieved.	Incorporated into ES Chapter 18
	Comments on Annex 18.1	Addressed in the ES chapter
Comments on Annex 18.2	Addressed in the ES chapter	

Source	Consultee Comment	Response
Email from NLC in response to PEIR consultation March 2011	Further site investigations to be undertaken to define detail of mitigation proposals. Outline to be included in ES, accompanied by a detailed specification of surveys and mitigation.	Acknowledged
	Assessment of impacts and mitigation responses need to take into account potential changes in construction proposals owing to the flexibility inherent in an IPC consent.	Acknowledged
	Mitigation proposals for Preservation in Situ may not be achievable given the shallow depth of archaeological deposits and excessive weight of infilling and surface activities	Discussed in section ES <i>Chapter 18</i>
	Assessment of effects on the Humber Light Houses should be included.	Acknowledged
Meeting with EH and NLC April 2011	Consultees require a Programme of Archaeological Works to be agreed, and undertaken in parallel with IPC determination period	Commitment made in ES <i>Chapter 18</i> .

Source	Consultee Comment	Response
E-mail from East Halton Parish dated 15 October 2010	Expressed concern regarding light pollution.	Light impacts have been assessed from East Halton. <i>Chapter 19 Para 19.3.8</i>
Letter from Natural dated 23 July 2010	Requires the consideration of possible impacts from night time lighting and requires light impacts to be considered during construction on the Humber Estuary designated site boundaries and any other sensitive locations.	Designated sites and sensitive receptors have been considered and assessed. <i>Chapter 19 Para 19.3.6</i>
Letter from Network Rail dated 30 September 2010	Ensure new lighting does not dazzle or give rise to the potential for confusion of drivers on the operational railway.	Noted
Letter from Trinity House dated 14 October 2010	Need to ensure that floodlights or similar are arranged to avoid shining directly to seaward.	Noted
Letter from CAA dated 20 September 2010	There might be a need to install aviation obstruction lighting to some or all of the associated wind turbines should development proposals be progressed.	There are no operational turbines proposed for the project.

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 3.68)	'Appropriate cross reference to ecology, nature conservation and landscape and visual in the light impact chapter'.	This chapter has cross referenced other relevant chapters and the assessment carried out by the appropriate specialists.
Letter from MCA dated 1 March 2011	Lighting of a shore development in such a manner that the night vision of mariners is impeded, or that navigation lights, either ashore and onboard vessels are masked, or made less conspicuous.	Cognisance has been taken of the requirements of BS 5489 Part 8 with regard to lighting and harbours.
Letter from G Clark Squadron Leader RAF dated 8 February 2011	Lighting for vertical obstruction.	Navigational lighting to vertical obstructions has been considered and assessed.
E-mail from Network Rail 14 March 2011	Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The EIA should cover how the operation of the railway will not be prejudiced by the development.	Final details of lighting proposals have taken cognisance of the requirements of BS 5489 Part 8 with regard to lighting and railways.
Letter from Lincolnshire Wildlife Trust 18 March 2011	Reference to 24hr operation and vessel lighting. There is potential for 24hr operations and lighting to cause disturbance to waterbirds using adjacent intertidal and North Killingholme Haven Pits.	Designated sites and sensitive receptors have been considered and assessed. <i>Chapter 19 Para 19.3.6</i>

Source	Consultee Comment	Response
Letter from Associated British Ports Grimsby and Humber dated 18 March 2011	This is likely to be a sensitive area for assessment bearing in mind the numerous protected nature conservation sites as well as nearby residential properties. Interestingly, the outline chapter that you have provided in the PEIR does seem to identify a number of potential problems without suggesting how they are likely to be resolved but again, we acknowledge that these points will no doubt be clarified in the final version of the document.	Designated sites and sensitive receptors have been considered and assessed. <i>Chapter 19 Para 19.3.6</i>
Letter from Natural England dated 18 March 2011	The ES and the subsequent development should ensure comprehensive “join up” between issues such as possible light pollution and nature conservation. The impacts of extra lighting may be one of the impacts to be considered in a subsequent Habitats Regulations Assessment. Investigations into this issue should be carried out and reported with this possible requirement in mind.	This chapter has cross referenced other relevant chapters and the assessment carried out by the appropriate specialists.
E-mail from North Lincolnshire Council dated 22 March 2011	Noise, air pollution, dust and lighting all need to be considered in terms of impacts on ecological receptors.	This chapter has cross referenced other relevant chapters and the assessment carried out by the appropriate specialists.

Source	Consultee Comment	Response
Letter from Humberside Airport dated 20 March 2011	We would request that all external lighting shall be flat glass, full cut off design with horizontal mountings to avoid light spill above the horizontal in the interest of aviation safety, which is also in line with best practice with the Institute of Lighting Engineers.	This request has been put forward as a mitigation measure in the interest of aviation safety.

Source	Consultee Comment	Response
Letter from East Halton Parish Council dated 15 October 2010	Adequacy of Landscaping for the scheme.	Landscape treatment for the scheme is addressed in the mitigation measures in <i>Section 20.7</i> of the ES. A Landscape and ecological mitigation strategy has been developed for the scheme. This is presented in <i>Annex 4.5</i> Landscape Masterplan.
Letter from English Heritage Council dated 07 October 2010	Use of temporary height markers to create verified photographic views from all key viewpoints.	Known heights of existing tall structures adjacent to the site were used to assist in the preparation of photomontages.
Letter from Natural England dated 23 July 2010	Robust landscape character appraisal required as basis for assessment. Reference to North Lincolnshire Council Landscape character data is recommended.	Baseline landscape character is addressed in <i>Section 20.5</i> and includes North Lincolnshire Local Landscape Character which is detailed in <i>Table 20.4</i> .
Letter from Natural England dated 23 July 2010	Location, scale, massing and colours of the proposed structures to be considered in the assessment.	To be outlined in the ES Mitigation measures <i>Section 20.7</i> . The assessment takes account of mitigation measures outlined and is presented in <i>Section 20.8</i> .
Letter from Natural England dated 23 July 2010	Impact of lighting to be considered.	The visual impact of the proposed lighting is presented in <i>Chapter 19</i> Light in the ES.

Source	Consultee Comment	Response
Letter from Natural England dated 23 July 2010	Use of the following reference documents is recommended <ul style="list-style-type: none"> • Countryside Agency and Scottish Natural Heritage (2002), Landscape Character Assessment, Guidance for England and Scotland; • Countryside Character Volume 3 Yorkshire and the Humber – character area no 41; Guidelines for Landscape and Visual Impact Assessment (GLVIA), Landscape Institute and Institute of Environmental Management, second edition 2002. 	Reference documents were used for this report and for the ES.
Letter from Natural England dated 23 July 2010	Cumulative impact to take account of established and proposed developments within the zone of visual influence.	This is addressed in <i>Section 20.9</i> of the ES
Letter from Natural England dated 23 July 2010	Visual impact and impact on landscape character to be considered and may include seascape.	Impacts on seascape are not addressed. Impacts cover a 30 km radius study area focussed on the landscapes north and south of the Humber River and the river and estuary included within that study area. Detail on the study area is presented in <i>Section 20.5</i> of the ES.
Letter from North Lincolnshire Council dated 13 October 2010	PPS 9 and the potential for biodiversity and landscape enhancement – Inclusion of landscape proposal as part of overall masterplan with biodiversity objectives in mind.	Addressed in concept landscape and ecology mitigation masterplan.

Source	Consultee Comment	Response
Letter from North Lincolnshire Council dated 13 October 2010	<p>Assessment to be informed by the following references</p> <ul style="list-style-type: none"> • Guidelines for Landscape and Visual Impact Assessment (GLVIA), Landscape Institute and Institute of Environmental Management, second edition 2002; • Windfarms: Guidelines on the environmental impacts of windfarms and small-scale hydroelectric schemes, Scottish Natural Heritage 2002; • Cumulative effect of wind farms version 2, Scottish Natural Heritage. 	References considered in assessment. Cumulative impacts with other wind farms were not considered as the proposal does not include a permanent operational wind farm.
Letter from North Lincolnshire Council dated 13 October 2010	Cumulative impacts will consider nearby power station and plant and infrastructure associated with petrochemical industry.	Cumulative impacts considered other industrial projects within the vicinity as agreed between Able UK and the planning authority. The cumulative assessment is presented in <i>Section 20.9</i> of the ES.
Letter from North Lincolnshire Council dated 13 October 2010	<p>Landscape Design for the proposed masterplan will consider the following page 164:</p> <ul style="list-style-type: none"> • Enhancement of buildings and spaces in between • Contribute to biodiversity • Create attractive and accessible public and private open spaces • Consider sustainability. 	Addressed in concept landscape and ecology mitigation masterplan.

Source	Consultee Comment	Response
Letter from West Lindsey District Council dated 02 November 2010	Assessment to take account of the West Lindsey Landscape Character Assessment – August 1999.	The relevant sections of the West Lindsey landscape character assessment are included in the baseline <i>Section 20.5</i> and <i>Table 20.6</i> . Impacts on the Landscape Character Areas are presented in <i>Section 20.8</i> .
Letter from West Lindsey District Council dated 02 November 2010	Assessment of impacts on local landscape character to cover a 10 km radius.	Addressed in <i>Section 20.8</i> .

Source	Consultee Comment	Response
Letter from Natural England dated 29 October 2010	<ul style="list-style-type: none"> • Agrees with 30 km geographic scope of the assessment. • Impact on local landscape character to cover a 10 km radius study area. • Spurn Point and Heritage Coast to be added to the list of designated landscapes to be considered. • Visual Impact assessment is to include a viewpoint adjacent to North Killingholme Haven Pits, at grid ref: TA 164 199. A second viewpoint should be from the public footpath on the floodbank at around TA 155 215. • The protection of existing features and the inclusion of features to assist with the assimilation of the development within its local landscape should be given careful consideration in regard to the proposed mitigation. • The cumulative assessment should not be limited to just other turbine manufacturing facilities. 	<p>Assessment scope addressed in <i>Section 20.5</i></p> <p>Impacts on Local Landscape Character within 10 km radius is covered in <i>Section 20.8</i></p> <p>Impacts on Spurn Point and the designated Heritage Coast are detailed in <i>Section 20.8</i>.</p> <p>Visual Impact at selected viewpoints is presented in <i>Table 20.19</i></p> <p>This is addressed in the mitigation measures in <i>Section 20.7</i> of the ES and the Landscape Masterplan in <i>Annex 4.5</i>.</p> <p>The cumulative assessment considered a range of large scale industrial development types and is presented in <i>Section 20.9</i> of the ES.</p>

Source	Consultee Comment	Response
Meeting with North Lincolnshire Council on 7 October 2010	The LVIA will be limited to onshore aspects of the development. Impacts on landscape and visual amenity of the turbines as they are being transported out to sea are to be excluded from the scope of the assessment.	The assessment followed this approach.
Letter from Hull City Council dated 22 November 2010	Satisfied with the detailed approach as set out in ERM consultation letter of 27.10.2010.	
Letter from West Lindsey dated 20 October 2010	Assessment to consider the impact of power lines associated with the scheme on landscape character and visual amenity.	Not relevant to our proposal.
Letter from West Lindsey dated 20 October 2010	Visual impact of the works on the communities of Brocklesby, Great Limber, Keelby and Riby Parishes.	These areas were considered in the LVIA process and one or more of these settlements were included in the viewpoint visual impact assessment in <i>Table 20.19</i> of the ES.
E-mail from Lincolnshire Wolds Countryside Services dated 3 February 2011	Evaluation of the potential/likely impacts upon both the setting and the views from the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). This will ideally include a photomontage from Nettleton Top and from the North-East corner of the AONB.	Impacts on the AONB are presented in <i>Table 20.17</i>
Letter from English Heritage dated 7 March 2011	Reference to be made to the North Lincolnshire's Core Strategy, specifically policy in relation to landscape.	This is presented in <i>Section 20.2</i> of the ES.

Source	Consultee Comment	Response
Letter from Associated British Ports Grimsby and Humber dated 18 March 2011)	Acknowledges the preliminary stage assessment included in the PEIR and is anticipating a cumulative landscape and visual impact assessment in the LVIA in the ES.	Cumulative Impacts are presented in <i>Section 20.9</i> of the ES.
E-mail from Natural England dated 18 March 2011	The approach proposed for the LVIA as set out in the PEIR is accepted. A full description of the proposed treatment of the site in terms of the retention of existing landscape features and all new proposed landscape features. The information provided should enable a clear understanding and assessment of the design and layout of the proposed development and its relationship to the local landscape. Information on the proposed management of all features is required in order to be able to assess the likely effects and implications in the long term.	This is addressed in the LVIA and the landscape masterplan for the proposal.

Source	Consultee Comment	Response
Email from East Halton Parish Council dated 15 October 2010	General comment from East Halton Parish Council that the Project should take into account, ' <i>The impact on East Halton village</i> '.	The assessment looks at the impact on the area more widely; any factors that relate specifically to East Halton village were identified in <i>Chapter 21</i> .
Telephone consultation with Marcus Walker, North Lincolnshire District Council 17 November 2010	North Lincolnshire Council was consulted to inquire as to any particular issues they believed needed to be specifically addressed within the socio-economic chapter of the EIA. North Lincolnshire Council anticipated the jobs from the scheme would be a major benefit and were keen to ensure that appropriate skills and training programmes were put in place to ensure local residents had an opportunity to access these jobs. They did not expect the MEP to apply particular pressure to housing demand on the grounds that the Scunthorpe Lakes project could adequately address additional housing demand.	Appropriate skills and training programmes were considered in the assessment.

Source	Consultee Comment	Response
Telephone consultation with Colin Wilkinson, North Lincolnshire District Council 13 October 2011	Further discussions with North Lincolnshire Council raised the point that the footpath was seen as an asset in the North Lincolnshire Rights of Way Network.	Options for stopping up or diverting the existing coastal footpath formed part of the consultation process.
Telephone consultation with Andrew Fox, Yorkshire Forward 15 November 2010	Yorkshire Forward was consulted to understand what work has been undertaken to date on potential economic impacts of the AMEP.	The employment impact assessment takes into account the advice received from Yorkshire Forward.
Email from Humber Chamber of Commerce dated 14 February 2011	Humber Chamber of Commerce, representing 1 500 of its member businesses, fully supports the Project as it <i>'would have a positive impact on the Humber economy'</i> .	Support noted
Email from Nic Dakin (MP) dated 14 February 2011	Nic Dakin MP fully supports the MEP as it would enable the Humber sub-region to maximise the investment benefits of the renewable energy sector. He would like to see that new employment and training opportunities are available to local residents.	Cluster development arising from AMEP has been noted in the socio-economic impact assessment. Mitigation measures proposed include actions to be taken to maximise local employment and training opportunities.

Source	Consultee Comment	Response
E-mail from Smart Wind dated 21 February 2011	Smart Wind indicates that Round 3 offshore wind projects in the Humber will require significant port infrastructure and logistics to support their development.	Importance of AMEP to deliver planned offshore wind projects in the UK and the importance of AMEP in combination with other such projects, including the potential Siemens facility at Hull is noted in the assessment.
Letter from RMS Group Holdings Ltd dated 3 March 2011	Noting that the Humber has the ideal position to become the leading centre for the offshore wind. There is a great danger that if turbines and other equipment is not manufactured in the UK this will go to other countries bordering the North Sea. Lack of competition in port infrastructure in the region is emphasised and AMEP's potential to improve the situation.	Importance of AMEP to deliver planned offshore wind projects in the UK is noted in the assessment.

Source	Consultee Comment	Response
Minutes of meeting with Humberside Airport (email dated 4 February 2011 for meeting held 3 February 2011)	<ol style="list-style-type: none"> 1) Request clarification on whether the wind turbine blades will be operational (blades turning) 2) Request for more details on habitat mitigation, principally in relation to increased bird strike hazard. 3) Any objects breaching the outer horizontal surface (172.57 m AOD) will likely require special consideration and the acceptability judged on a case by case basis. 4) Any objects 150 m or more above ground level will require aviation warning lighting. 5) Any objects less than 150 m above ground level may require lighting if they are deemed hazards to aviation. 	<ol style="list-style-type: none"> 1) Able confirmed during the meeting that the IPC application does not include operational wind turbines. 2) PEIR information including habitat mitigation details provided on 04/02/2011. 3) Only objects less than 172.57 m AOD are expected to be present on the MEP site. 4) Any objects present on the MEP site, 150 m or more AOD will be provided with lighting in line with CAP168. 5) Based on the presence of an existing object close to the runway extended centreline at 80 m AMSL, it is judged objects up to 55 m above ground level will not require aviation warning lights.
E-mail from RAF Search and Rescue FHQ dated 8 February 2011	Tall structures will require lighting as set out in the relevant legislation and guidance.	Tall structures will be provided with lighting in line with the relevant legislation and guidance.
Email from Kevin Limbert to ERM dated 4 March 2011	General comment about tall structures requiring aviation warning lighting.	Tall structures will be provided with lighting in line with the relevant legislation and guidance.

Source	Consultee Comment	Response
E-mail from ABP Humber Estuary Services dated 18 March 2011	General comment about potential impact on Humberside Airport aviation interests. Request details of helipad.	The helipad has been withdrawn from the application.
E-mail from Associated British Ports Grimsby and Humber to dated 18 March 2011	General comment that PEIR aviation chapter states that consultation process is ongoing.	Consultation process has been completed and the results are presented in this ES.
Letter from Humberside Airport dated 30 March 2011	<ol style="list-style-type: none"> 1) Effects upon radar 2) Infringements to obstacle limitation surfaces as defined in CAP168 3) Effect on navigational aids 4) [External] Lighting 5) Obstacle lighting 6) Operation of cranes and tall constructional equipment 7) Creation of water bodies on site [in relation to bird strike] 8) Creation of habitat attractive to bird strike species through mitigation schemes 	<ol style="list-style-type: none"> 1) This issue is related to operational turbines. The IPC application does not include operational wind turbines. 2) The structures on the MEP site will not infringe the obstacle limitation surfaces as defined in CAP168. 3) This issue relates to the effects of structures infringing the obstacle limitation surfaces. Obstacle limitation surfaces will not be infringed and hence significant effects on navigational aids are not expected. 4) Where external lighting is required, Able will aim to provide flat glass, full cut off design with horizontal mountings to avoid light spill above the horizontal in the interest of aviation safety. 5) Letter states that '<i>lighting would be required for structures less than 150m AGL...</i>' Further reasoning and judgements indicate that aviation warning lighting requirements are unlikely to apply to structures <80 m AGL. 6) The aviation warning light principles will apply

Source	Consultee Comment	Response
Letter from MoD 18 March 2011	No comments in relation to aviation. The principal safeguarding concern is the potential effect on subterranean fuel pipes. Therefore, the response to these comments is not detailed in the aviation section.	<p>for cranes and other tall constructional equipment.</p> <p>7) Letter requests that the Environmental Statement includes more details on surface water attenuation schemes and subsequent schemes for habitat mitigation in the vicinity of the Bird Hazard Zone. Further details are provided in <i>Chapters 11 and 13</i>.</p> <p>8) Letter requests an “appropriate assessment” to address the birdstrike hazard. It is extremely unlikely that the development will be the cause of any significant increase in the number of birds using the Humber Estuary SPA. Accordingly, the development will not increase the risk of bird strike to any quantifiable extent.</p> <p>None required.</p>

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 3.25)	The ES will need to identify and describe in detail the control processes and mitigation procedures for storing and transporting residual waste off site, and indeed if any pre-treatment is expected prior to being exported off site. All waste types should be quantified and classified.	Waste types and control processes for their management, transport and disposal are identified and described here.
Letters from Harbour Master Associated British dated 05 August 2010 and 18 October 2010	Where is it intended that the dredging arisings will be deposited? The adjacent HU060 (3A) deposit site is already heavily utilized and there is little, if any, additional capacity. It is essential for the ES to identify precise disposal areas sufficient to take the anticipated volumes of arisings (and leave margin on top).	The disposal areas and capacity are identified in the Dredging Strategy, <i>Annex 7.6</i>
Letter from Harbour Master Associated British dated 18 March 2011	Your dredging strategy will need to demonstrate that sufficient capacity exists in the proposed deposit sites.	The disposal areas and capacity are identified in the Dredging Strategy <i>Annex 7.6</i> .

Source	Consultee Comment	Response
Letter from Health Protection Agency dated 28 September 2010	<p>The environmental effects of all wastes to be processed and removed from the site should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting residual waste off site, and indeed if any pre-treatment is expected prior to being exported off site. All waste types should be quantified and classified.</p> <p>An expectation that the EIA should demonstrate compliance with the waste hierarchy: (i) for wastes delivered to the site; (ii) for waste arising from the installations.</p>	The environmental impacts of wastes arising from construction and operation are identified here, together with control processes for their management, transport and disposal, in accordance with the waste hierarchy.
Letter from National Health Service Hull dated 14 October 2010	The implications and wider environmental and public health impacts of different waste disposal options require consideration, and how public health impacts of disposal routes and transport methods will be mitigated. And similarly, that a comprehensive coverage of public health issues, including the identification and mitigation of potential impacts on health related to waste creation, storage, transport and disposal is required.	Potential public health impacts of waste created and arising from their management and disposal are addressed by reference to current guidance.

Source	Consultee Comment	Response
Letter from North Lincolnshire Council dated 22 February 2011	No reference made to the waste policies of the North Lincolnshire Local Plan. Therefore the following policies need quoting - W1 Applications for Waste Management Facilities, W2 Groundwater Protection, W3 Flood Risk Areas, W6 Transportation of Wastes, etc	The AMEP will not be a registered Waste Management Facility; hence the planning policies are strictly not applicable. However, the construction and operation of the AMEP will adhere to the broad principles of the 2003 Plan and to the development principles in the 2011 Core Strategy.
Letter from Associated British Ports Grimsby and Hull dated 18 March 2011	[The waste] chapter requires further work which does make substantive comment rather difficult. We trust that the formal submission document will clarify the identity and quantity of potential waste arisings.	Potential waste types and quantities are identified here.

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 3.57)	Noise and vibration impacts on people should be specifically addressed, and particularly any potential noise disturbance at night and other unsocial times such as weekends and public holidays.	Potential health impacts, such as sleep disturbance and annoyance associated with noise from the construction of AMEP is considered in this chapter, based on the findings of the noise assessment.
IPC Scoping Opinion (Section 3.98)	The effect on local services should be considered, including the demand for additional services such as health services and schools.	As there will be an influx of workers into the area during the construction phase; the potential impact on existing health and educational services in the area is considered in this chapter.
IPC Scoping Opinion (Section 3.114)	Production of a HIA to cover health and safety considerations relating to ice throw and shadow flicker.	An operational wind farm is not part of AMEP, therefore any health and safety impacts from ice throw and shadow flicker need not be considered in the assessment.
IPC Scoping Opinion (Section 4.5)	The Commission considers that the EIA should assess the potential health impacts arising as a result of the proposals. In particular, the impact on health of construction, emissions to air, emissions to water and emissions to ground including contaminated land should be considered.	<i>Ch 17, Air Quality</i> considers impacts on local air quality from emissions. All air quality and health issues are considered in this chapter. <i>Ch 7 Geology, Hydrology and Ground Conditions</i> concludes there is no significant risk of contamination; therefore there will be no potential health impacts from water or land contamination.

Source	Consultee Comment	Response
IPC Scoping Opinion (Section 4.6)	The Commission considers that it would be a matter for the applicant to decide whether or not to submit a stand-alone HIA and that an applicant should have particular regard to the responses received from the relevant consultees regarding health. The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.	There is no overriding need to prepare a separate HIA report, particularly since neither the Primary Care Trust nor the Health Protection Agency is requesting one. All the potential implications for health are addressed in this chapter.

INTRODUCTION

No comments received

No comments received

No comments received

Consultee	Comment	Response
Preliminary Environmental Information Report		
Letter from ABP Grimsby & Immingham on PEIR (dated 18/03/2011)	<p>We must express some reservation as to the feasibility and indeed acceptability in law of you compensation habitat proposal....We are somewhat surprised by the blithe assertion that due to the natural action of accretionary trends in a highly turbid estuary like the Humber, the creation of compensatory mudflat would be a futile exercise....you propose to create saltmarsh as the compensation, on the basis that this represents the longer term option. Whilst ABP accept that some mudflat areas in particular in managed realignment sites do indeed evolve to more stable saltmarsh communities, we do believe that the statements made in your PEIR require very careful re-consideration before you take them forward to the environmental statement, as in our view replacement habitat should be created on a like-for-like basis.</p> <p>We must also question the acceptability of the extent of compensatory habitat proposed. A ratio of 1:1, and at the most 2:1, implies a level of scientific and engineering certainty on the future success of a managed realignment site that would, in our view, be difficult to achieve.</p>	<p>The EIA has considered carefully how the habitat formed at the Compensation Site would evolve over time in the light of experience at Managed Realignment sites elsewhere in the Humber (<i>Annex 32.5</i>) and the specific hydrodynamic conditions at the Cherry Cobb Sands site (<i>Annexes 32.2, 32.3, 32.4 and 32.6</i>) to better assess the probable future evolution of the Cherry Cobb Sands site. The finished ground levels within the site will be profiled to maximise the provision of long term intertidal mudflat. The actual finished ground levels will be determined following further detailed modelling studies in consultation with Natural England.</p> <p>The ratio is for agreement with Natural England taking all relevant factors into account.</p>

Consultee	Comment	Response
Email from Natural England on PEIR (dated 18/03/2011)	<p>Whilst we welcome early consultation and the pro-active approach that Able UK has taken with this development, we found that much of the information provided for this consultation, is indeed preliminary. Whilst there is a great deal of background information on topics such as the environmental importance of the Humber Estuary and findings from surveys undertaken; the actual assessment of potential impacts from the development and suggested mitigation is fairly generic, with the caveat that further assessment and information will be available in the Environmental Statement. Therefore, our response to this consultation is given at a high level, reflecting the lack of detailed assessment of impacts. In order to guide the compilation of the ES, we have focused on highlighting the key issues associated with the development and how these need to be addressed. We have also highlighted some necessary amendments and advice for chapters relevant to Natural England. However, at this stage we would like to emphasise our concern regarding the timescales required to complete the ES and the Habitats Regulations Assessment to a sufficient standard before consulting key stakeholders and taking account of their comments. We would welcome sight of the</p>	<p>The Environmental Statement and its Annexes provide the additional information sought by Natural England in this response, largely in <i>Chapters 34, 35, and 36</i>. Draft sections of the ES have been submitted to NE for comment.</p>

Consultee	Comment	Response
Email from RSPB on PEIR (dated 18/03/2011)	<p>proposed timetable, detailing when it is anticipated that all impacts will be fully assessed and the ES will be ready for consultation.</p> <p>Section 4.4.12: Breach design may also have a significant effect on warping rates. Propose that warping rates should also be considered in the investigation of breach design options.</p> <p>Section 4.4.13: Works to construct a managed realignment site (as well as the subsequent effects of such a site once breached on hydrodynamic and geomorphological processes) may itself have significant or even adverse effects. These should be considered, the design should include mitigation measures to reduce or avoid these wherever possible, and if it cannot be ascertained that there will be no adverse effects, the amount of compensation to be provided may have to be adjusted to take account of this.</p> <p>Table 4-4 (a): Compensation site construction period stated as March to October. The relevant waterbird data from WeBS and other commissioned surveys should be used to determine the least sensitive time of year for construction of the compensation site.</p>	<p>The assessment of the model results in <i>Annexes 32.4 and 32.6</i> considers how warping rates will be influenced by the breach design.</p> <p>Where construction or operation of the managed realignment site causes effects on the hydrodynamics or geomorphology, these effects are included within the assessment and mitigated discussed in <i>Chapters 32 and 34</i>.</p> <p><i>Chapter 35</i> contains details of the WeBS data and other surveys and mitigation proposed.</p>

Consultee	Comment	Response
	<p>Table 4-4 (b): It may be necessary to include some mitigation measures to exclude or reduce the likelihood of ground nesting birds occupying the site. A survey for nesting birds should be carried out immediately before works commence to ensure that operations are within the legal framework.</p>	<p>A survey of ground nesting birds has been completed (<i>Annex 35.6</i>). A further survey will be carried out prior to construction starting to ensure compliance with legal requirements.</p>
	<p>Section 4.7.4 (a): States new flood bank should be breached a year after construction of new defence though a breach in the same year may be considered. In principle to meet the legal requirements of the Habitats Regulations, compensation should be in place and functioning before loss. The anticipated timeframe for this will depend on the site design, location and development.</p>	<p>The breach of the Compensation Site will be at a time agreed with Natural England.</p>
	<p>Section 4.7.4 (b): It may take several years for the site to function adequately as compensation and a comprehensive monitoring programme is essential to understand how the site is performing ecologically and enable any changes in management to be implemented as necessary. Monitoring data is also essential to demonstrate the site is meeting the relevant legal requirements.</p>	<p>An appropriate monitoring programme will be developed and agreed with Natural England, as identified in <i>Sections 28.2</i> and <i>35.8</i>.</p>

Consultee	Comment	Response
	<p>Sections 4.7.6-7 (a): Refers to wet roost either as part of tidally influenced area or as freshwater behind new defence if water table allows. Please clarify what habitat works are intended as mitigation measures and what are compensation measures.</p>	<p>The proposed Compensation Site and wet grassland detailed in <i>Volume 2</i> of the Environmental Statement are compensation measures for the impacts of the AMEP. Mitigation in relation to the AMEP is discussed in <i>Volume 1</i>.</p>
	<p>Sections 4.7.6-7 (b): The suitability of providing wet roosting habitat at this location will depend on the extent to which the value of the North Killingholme Haven Pits as roost habitat is dictated by its proximity to feeding areas on the south bank, and the extent to which foraging by the relevant species will be supported within the proposed managed realignment site.... Any option requiring ongoing management intervention would necessitate adequate financial and legal provision to secure that management in perpetuity.</p>	<p>Able will develop and implement a management plan for the future management and maintenance of the Compensation Site and wet grassland area. The management plan will be developed in consultation with Regulators, particularly Natural England.</p>
	<p>Section 4.8.2: Mentions the need for local planning authority approval for construction. Please clarify that this is now a redundant reference as the entire application including the compensation measures are part of a single application to the IPC.</p>	<p>Agreed. The section is not included in the ES.</p>

Consultee	Comment	Response
	Section 4.10.5: States there is no intention to decommission the compensation site. Agree that decommissioning of the compensation site would be wholly inappropriate. The compensation - and any management required to sustain its function - must be legally and financially secured in perpetuity.	Please see response to above comment.

Consultee	Comment	Response
Preliminary Environmental Information Report		
Letter from David Hickling on PEIR (dated 17/03/2011)	The search criteria excluded areas subject to nature conservation designations and Scheduled Ancient Monuments, yet chosen site at Cherry Cobb Sands has significant effects on both these concerns.	It is inevitable that any managed realignment site on the Humber will impact sites designated for nature conservation as the Humber Estuary itself is a designated site of nature conservation. Nevertheless, the selection of the site at Cherry Cobb Sands compensates for these impacts. The potential impact on the nature conservation designations are addressed in <i>Chapters 34</i> and <i>35</i> and on heritage assets is addressed in <i>Chapter 40</i> .
	Considers sites identified on 'Sunk Island have been discounted too readily, with far too much weight being given to the Sunk Island Conservation Area and no consideration for land drainage and coastal dynamics, which are more favourable to the creation of inter-tidal mudflats at these locations'.	The identified site is one of a number of potential sites which may be suitable. The choice of this site balances consideration of a number of factors including nature conservation, cultural heritage and impacts on sediment and coastal dynamics and land drainage; the effects on these receptors are discussed in more detail in this ES (<i>Chapters 34</i> and <i>35, 40, 32, 36</i> respectively).

Consultee	Comment	Response
Preliminary Environmental Information Report		
Letter from Mr Taylor on PEIR (dated 19/03/2011)	<p>ABLE UK has chosen a compensation site on the North Bank. The purpose of the compensation site is to compensate for loss of habitat whilst ABLE UK through Black and Veatch (B&V) state their instructions are, "<i>identify the most suitable area for the creation of the compensatory habitat at Sunk Island</i>"</p> <p>No consideration is given to alternative sites on the South Bank. Little consideration is given to alternative sites on the North Bank. The B&V document starts with the chosen site and works backwards dismissing other sites without any sound conviction or investigation.</p>	<p>A further study has been completed to assess the potential for suitable sites throughout the middle estuary including both north and south banks (see <i>Annex 30.2</i>). This confirmed there was no better site available and of the three favourable sites identified in this study, Cherry Cobb Sands is the closest in distance from the proposed AMEP site. The findings of the site selection studies are reported in <i>Sections 30.2</i> and <i>30.3</i>.</p>
	<p>The site has not been chosen as the best site for compensation, ABLE UK are open, their priorities were primarily timing and economic, the site owner had to be the Crown. (With the exception of my access road)</p>	<p>See response above. The site selected is considered the most appropriate site for providing the required compensation habitat</p>

Consultee	Comment	Response
	<p>They say we rule out sites with previous pollution incidents. ABLE UK is aware that parts of the chosen site were used for dumping toxic materials.</p>	<p>Searches for previous pollution incidents were made from the Environment Agency database of recorded incidents. Consultation responses from tenant farmers have suggested there is potential for contaminated materials to be encountered within remnant creeks. A contaminated land assessment of ground with the Compensation Site and action to be taken if contaminated materials are found is provided in <i>Annex 31.4</i> and summarised in <i>Chapter 31</i>.</p>
	<p>ABLE UK has failed to demonstrate that the chosen site is suitable or will meet the requirement to create habitat. This is difficult because, according to the documents provided, NE & RSPB have been non committal about exactly what is required.</p> <p>What is the compensation site supposed to provide? ABLE UK appears not to know the size of site or type of habitat required by NE. Compensation of 70 ha, 90 ha, 110 ha are quoted. It is difficult to conceive that a project of this size and value would proceed without some firm agreement over what is required. This information should have been included in the PIER documents.</p>	<p>The description of the proposed Compensation Site, including the habitats that will be created, is provided in <i>Chapter 28</i> of the ES, and has been subject to extensive discussion with Natural England and RSPB.</p> <p>The precise requirements of Natural England have been subject to discussion. Provision of 100 ha has been agreed with Natural England and the ES has been prepared on that basis.</p>

Consultee	Comment	Response
	<p>Neither ABLE UK, NE nor RSPB say how long the compensation site has to perform and to what standard. It is possible to create a site that partially performs say in the first 2 to 3 years. However after this time the performance of the site is likely to rapidly decline. The site will in effect become an industrial waste land albeit grassed over. A similar scheme at Paull Holme Strays clearly shows the failure of these sites despite all the experts employed who said otherwise. If it is not possible to construct a site with a long term future, why destroy valuable productive farmland?</p>	<p>See the above comment. The likely evolution of the Compensation Site is summarised in <i>Chapter 28</i> and detailed further in <i>Annex 32.3</i> and <i>32.4</i>. A review of previous managed realignment schemes in the Humber Estuary is provided in <i>Annex 32.5</i> and evolution of the exiting foreshore is provided in <i>Annex 32.1</i>.</p>
	<p>Why is the south bank habitat more important than the North bank habitat? This question is not addressed. Where in the documentation or from NE or RSPB does it say the wildlife is actually at threat or become unsustainable as a result of this development, from my reading only potential habitat may be lost?</p>	<p>Habitat on the north and south bank of the Humber Estuary is important. The requirement for compensatory habitat has been guided by Natural England who gave the remit that compensatory habitat should be found in the middle estuary (not specific to north or south bank). The requirement for compensatory habitat is based on the Conservation of Habitats and Species Regulations 2010, it does not require that wildlife would be threatened, only that where a significant amount of designated habitat is lost or where species are significantly disturbed, compensatory habitat must be provided; this is discussed further in the Habitat Regulations Assessment.</p>

Consultee	Comment	Response
	<p>The UK is currently a net exporter of cereals, with the completion of nearby and other plants converting wheat into fuel products, soon there is a real possibility the UK will become an importer of wheat, subject to world speculative prices. It does not make sense to destroy wheat growing land without first proving it is an absolute imperative, there are no other options and the compensation site is more important than UK food security.</p>	<p>This issue is discussed in <i>Chapter 42</i>.</p>
	<p>The habitat regulations talk of equal compensation yet NE talks of (not in the PIERS Doc) a compensation site requirement of 3:1. This over compensation makes a massive difference to the size and location of the compensation site. NE needs to be more open about what is required. All this information should have been included in the documents.</p>	<p>The size of the site has been determined through consultation with Natural England. The description of the proposed Compensation Site is provided in <i>Chapter 28</i>.</p>

Consultee	Comment	Response
	<p>NE need for a compensation site at all is not challenged by ABLE UK. The site is to provide intertidal salt marsh in the middle Humber area. In the last 5 to 7 years a large amount of salt marsh is being naturally created on the North Bank. This growth of natural salt mash is increasing exponentially. Looking forward in the next 3 to 5 years i.e. over a ten year period the amount of naturally rejuvenated salt marsh will substantially negate any disturbance due to development by ABLE UK. This consideration should be taken into account by NE when deciding the size or indeed the need for any compensation site.</p>	<p>The requirement for compensatory habitat is dictated by the Natura 2000 habitat and species that are significantly affected by the development. Trends in natural accretion or erosion of saltmarsh are not considered as these are subject to change.</p>
	<p>The intention to sacrifice prime arable farm land to salt marsh is incomprehensible to most people. Where in the documents or NE or the RSPB show that this scheme is life threatening to any species due to loss of habitat. Before embarking on a compensation site the parties have to first demonstrate habitat or wild life is actually irreparably threatened.</p>	<p>A Habitat Regulations Assessment has been undertaken in support of AMEP, which determines the need for habitat compensation.</p>

Consultee	Comment	Response
Email from RSPB on PEIR (dated 18/03/2011)	States that the proposed compensation site has been identified by the Humber FRMS published by Environment Agency in 2008. The ES must identify how the proposed compensation fits in with this strategy.The ES....must identify and address the issues raised when considering the MEP in combination with the HFRMS...There is a deficit in habitat compensation in relation to coastal squeeze and the MEP compensation site is one that is already identified as required by the HFRMS.	The results of the Humber FRMS published by Environment Agency were considered in determining the preferred Compensation Site, along with several other criteria, as detailed above and in the associated annexes. Whilst the FRMS identifies the site as a potential realignment site, the 50 year Strategy is subject to regular review (flood risk associated with the Compensation Site is discussed further in <i>Chapter 36</i>).

Consultee	Comment	Response
Preliminary Environmental Information Report		
Letter from Environment Agency on PEIR (dated 18/03/2011)	The presence of active and historic landfill site needs further investigation.	Further detailed Site Investigations will be completed prior to onset of works to determine the location of any contaminated land.
	Reports on a minor pollution incident at Stone Creek should be investigated further.	This pollution incident will not impact on the Compensation Site as it is outside the area that would be excavated/inundated; therefore no further investigations have been undertaken.
	There is a need to monitor the design of the site to mitigate the potential problems relating to localised scour within the site, and potential impact on historic landfill.	The design of the Compensation Site has avoided any potential for scour of the historic landfill site (see <i>Chapter 28</i>).
	We note that the Summary Desk Study and Site Investigation Design Investigation Report is a desk study, which recommends site investigation. We would welcome the submission of this information.	The results from the Site Investigation recommended in the Summary Desk Study are included in <i>Annex 31.2</i> and interpreted in <i>Annex 31.3</i> . A more detailed Site Investigation will be undertaken prior to construction and the results will be made available to the Environment Agency.

Consultee	Comment	Response
Letter from David Hickling on PEIR (dated 17/03/2011)	The PEIR is inconsistent in its treatment of soil movements at the Compensation Site. Annex 6.1 refers to removal of soil to lower land levels but PEIR does not discuss this issue. Consultees seek clarification on Proposer's intention with regard to soil movements.	Investigations since the PEIR was issued have confirmed that around 300 000 m ³ of material will be excavated from within the Compensation Site (<i>section 28.3</i>) to form the flood embankments.
	Consultees are aware of 'quite significant areas of contaminated land' within the proposed Compensation Site. These areas, mainly former creeks were subject to extensive dumping of industrial and commercial waste from Hull in the 1950s. 'If these deposits were found to be toxic, the viability of the area for nature conservation 'would be severely compromised.'	A contaminated land assessment of ground with the Compensation Site is provided in <i>Annex 31.4</i> . The action to be taken if contaminated material is found is set out in <i>Section 31.6</i> .
Letter from Keyingham Drainage Board on PEIR (dated 16/03/11)	Expresses concern that the proposed bank will only be constructed of silt/topsoil from the existing arable land and that the new bank may be porous as proposed. There being little evidence of clay on site whereas the existing bank was capped by the Crown Commissioners with imported clay during the 1980s.	The bank will be constructed from site-won fill but not from topsoil or silt which will be removed prior to excavation of the material that will be used to construct the embankment. The site investigation interpretative report (<i>Annex 31.3</i>) found that there is a large amount of silt within the site but concluded that sufficient suitable material can be found within the site to form the embankment.

Source	Consultee Comment	Response
Letter from North Lincolnshire Council, (dated 06 August 2010)	North Lincolnshire Council emphasised a need to ' <i>describe and assess the characteristics of the intertidal and subtidal habitat in the area affected by the proposal and adjacent to any proposed site for compensatory habitat</i> ', including suspended sediment in the water column, sediment depth and grain size, organic content of sediment.	The characteristics of the intertidal habitat adjacent to the Compensation Site have been assessed through a saltmarsh survey (<i>Annex 34.1</i>). Specific analyses of the sediment properties of the foreshore adjacent to this site have not been carried out. The assumption has been made that these sediments are typical of Humber estuarine muds and their behaviour has been inferred by comparison with the development of other Humber managed realignment sites (<i>Annex 32.5</i>), and in particular Paull Holme Strays for which detailed monitoring is available.
Letter from Environment Agency on PEIR (dated 18/03/2011)	Annex 6.1 <i>Preliminary Identification of Alternative Sites for Habitat Compensation</i> ; The recommendations in respect of the impacts on hydrodynamics and geomorphology are of interest to us. We would need to see these results to ensure there are no direct or indirect impacts on the estuary that have future coastal squeeze implications.	The modelling is presented in <i>Annexes 32.2, 32.3, 32.4 and 32.6</i> .

Email from Natural England on PEIR (dated 18/03/2011)

Section 8.1.4: How are the following points to be addressed/ mitigated for: hydrodynamics and displacement of water- tidal volume?

The modelling presented in *Annexes 32.4 and 32.6* describes the hydrodynamic effects for the Compensation Site including implicitly any local effects associated the displacement of tidal volume. The modelling within *Annex 8.1* considers these effects for the whole scheme in a whole estuary context.

Section 8.3.1: In order for us to understand the potential impact on the intertidal area, we would like to see the results of the use of LIDAR data in the intertidal locations to improve results.

All the modelling presented in *Annexes 32.2, 32.3, 32.4 and 32.6* uses foreshore levels based on LiDAR.

Section 8.3.10: We would also like to see the detail of these sections so that we can comment and help assess the likely impacts.

The detailed modelling of the Compensation Site is contained within *Annexes 32.2, 32.3, 32.4 and 32.6*.

Section 8.9.4: We look forward to seeing these modelling results when they are available.

The detailed modelling referred to is contained within *Annexes 32.2, 32.3, 32.4 and 32.6*.

Section 8.9.7: This section raises questions of:

- How likely is the risk of creek formation?
- Would this have further impacts on the hydrodynamics and sediment regime of the estuary?

Consideration of Creek formation on Foul Holme Sand is included in *Annex 32.1 sections 3.2 & 4.2* and the effect of the Compensation Site in *Annexes 32.4 (Sections 3.6 & 4.3)* and *32.6 (sections 2.6 & 3.5)*.

Would this have an impact on WFD objectives?

The Compensation Site is unlikely to have an effect on the WFD objectives since creek formation across Foul Holme Sand is part of the natural variability of Foul Holme Sand as indicated in *Annex 32.1, Sections 3.2 and 4.2*. Compliance of the Compensation Site with WFD objectives is discussed in *Chapter 33*.

Section 8.9.10: We would like to see the results to clarify whether this erosion protection of the flood embankment will be necessary.

The results are contained in *Annex 32.4, Sections 3.7 and 4.2*. High velocities are predicted within the Compensation Site. These will require erosion protection of the new flood embankment. In practice the wave protection provided for this embankment with suitable detailed design will be sufficient to provide erosion protection against tidal currents.

It also raises questions such as:

- Will this proposal have a longer term impact on the Stone Creek sediment regime?
- Will there be more accretion in Stone Creek as a result of this work?
- If so, how would this be addressed?

If not, where is the evidence to suggest this is the case?

The risk of siltation within Stone Creek is addressed in *Annex 32.4, Sections 3.5 & 4.4 and Annex 32.6 Sections 2.5 & 3.4*. The evidence suggests that there may be a temporary increase in siltation within Stone Creek while the drainage creek running parallel to the shore enlarges, but there is unlikely to be a long term effect.

More information should be provided regarding the calibration, validation and errors associated with the models.

The calibration of the Compensation Site detail model is provided in *Annex 32.2*.

The report mentions that this work is ongoing and detailed information on this will be required. The levels of accuracy within the models are also necessary and they must be able to demonstrate that they can accurately model present day conditions; otherwise the assessment of development impacts may be flawed.

The detail requested is provided within *Annexes 32.2, 32.4 and 32.6*. The model set up report in *Annex 32.2* indicates as far as is possible within the constraints of available information that the model reproduces present day conditions with acceptable accuracy and reliability.

We consider that there is the potential for this development to have indirect impacts on the opposite (north) bank of the estuary. However, this possibility has not been addressed in the report. Also the development and the compensation site are dealt with separately and the assessment of both will be needed to demonstrate changes to the estuary.

The whole Humber modelling of the scheme in *Annex 8.1* includes reports and assesses effects on the north bank as part of the whole scheme in a whole Humber context. The detailed modelling in *Annexes 32.4 and 32.6* considers the local effects on the north bank in greater detail.

<p>The impacts of the compensation site on Foul Holme Sand should be modelled and clearly explained. Potential impacts are mentioned in paragraph 8.9.7 and these are a concern, highlighting why this detailed information is needed.</p>	<p>The later modelling reported in <i>Annexes 32.4 (Sections 3.6 & 4.3)</i> and <i>32.6 (Sections 2.6 and 3.5)</i> indicates that the risk of a low way or a creek forming across Foul Holme Sand is less than originally suggested in this paragraph. The study of Foul Holme Sand evolution in <i>Annex 32.1</i> indicates that formation of a creek across Foul Holme Sand has happened in the past and so is part of the natural variability of this sand bank.</p>
<p>What impacts will these potential scour holes have? Are these a concern?</p>	<p>We do not envisage the formation of scour holes within Foul Holme Sand. There may be scour holes adjacent to the breach site as found at Paull Holme Strays southern breach. These are associated with the greater stiffness of the sediment underneath the old embankment.</p>
<p>A narrow focus on Paull Holme Strays as the example that this site may follow should be avoided. There are a number of realignment sites around the Humber which should also be considered.</p>	<p>Evolution of the managed realignment sites at Welwick and Chowderness has been considered alongside the information from Paull Holme Strays in <i>Annex 32.5, Sections 2.3 and 3.2</i>.</p>

	<p>“Changes in the foreshore drainage pattern as a result of the Compensation Site are likely to affect the existing creek and possibly the local pattern of sandbanks. These changes are expected to probably remain of only local importance for estuary geomorphology” This needs to be carefully considered, changes to this large sandbank could potentially have wider impacts and this needs to be thoroughly assessed.</p>	<p>The modelling within <i>Annexes 32.4 and 32.6</i> and the report on historic evolution of Foul Holme Sand in <i>Annex 32.1</i> illustrate the careful consideration given to these matters. We consider that changes of greater than local importance are low risk but the historic evolution shows that this sandbank has experienced major change over the past 150 years.</p>
<p>Email from Natural England on PEIR (dated 18/03/2011)</p>	<p>Natural England welcomes work being done to assess the impacts of increased sediment transport from the managed realignment site.</p>	<p>Sediment transport relating to the Compensation Site has been addressed in <i>Chapter 32</i> and in <i>Annex 32.5</i>. Impacts relating to sediment quality are addressed in <i>Section 33.6</i>.</p>

Source	Consultee Comment	Response
PEIR		
Letter from Environment Agency on PEIR (dated 18/03/2011)	The Environment Agency would expect the final ES to show a comprehensive discussion of the work in each water body, an analysis of the hydromorphological consequences of the work, and a detailed analysis of which ecological receptors could be affected. They would also expect to see discussion on whether or not this impact would cause a deterioration in WFD status for each water body or would prevent the water body from achieving its target status. The final ES should also consider measures to improve water quality that are set out in the River Basin Management Plan (RBMP), i.e. identification of opportunities.	Details of the impacts regarding each water body in relation to the requirements of the WFD are given in <i>Chapter 33, Section 33. 6.</i>
	Request for information on what work is being done on potential long-term impacts on sediment transport patterns and intertidal area and hydromorphological conditions.	This has been addressed through environmental sampling and modelling as discussed in <i>Chapter 32.</i>
	The Environment Agency would appreciate it if Able could indicate when consultation on the preferred diversion route for the soke dyke is likely to take place.	The Environment Agency has been included in ongoing consultation to determine the design of the Compensation Site and the diversion route of the soke dyke.
	Request for information on when the impacts work	The impacts on suspended sediment concentration

Source	Consultee Comment	Response
	will be done in order to understand the implications on suspended sediment concentration.	are assessed in <i>Chapter 33</i> .

Source	Consultee Comment	Response
Scoping Report		
Letter from ERYC in IPC Scoping Opinion Report (dated 29/09/2010)	If compensation habitat is to be developed then consultation should be carried out with the local authority's biodiversity officer, the Yorkshire Wildlife Trust, Natural England and RSPB. Urges early and consistent communication with local parish councils, ward members and residents of Keyingham, Paull and Sunk Island.	Able has consulted widely.
Letter from Natural England in IPC Scoping Opinion Report (dated 23/07/2010)	<i>'A comprehensive compensation package must be delivered to ensure that the overall coherence of the Natura 2000 network is protected. At this stage, it is far from certain that sufficient and suitable compensation measures can be provided for the impacts associated with this development.</i>	Meetings with Natural England have facilitated the development of a Compensation Site component of the Project. The final design and function of the Compensation Site have been developed in consultation with Natural England to ensure that the measures proposed are suitable and sufficient.
Letter from Natural England in IPC Scoping Opinion Report (dated 15/10/2010)	If a compensation site is proposed then the impacts of the realignment site must be assessed and the impacts of loss of saltmarsh as a result of a breach should be considered. Compensatory habitat must be provided outside the designated site boundary.	The impacts of the Compensation Site, including the impacts of loss of saltmarsh from construction are assessed in <i>Chapter 35</i> as well as in the Habitats Regulations Report. The Compensation Site is located outside the designated sites' boundaries.

Source	Consultee Comment	Response
Letter from NLC in IPC Scoping Opinion Report (dated 13/10/2010)	The Compensation Site must deliver suitable habitat to compensate for the losses including high tide roosting and feeding habitat. It should be able to support birds (including thousands of black-tailed godwits) that will be displaced from the area of the application site.	The design of the Compensation Site has been developed in consultation with Natural England. The Compensation Site will provide compensatory habitat for habitat lost and also to compensate for displaced birds as required (<i>see Chapter 11</i>).
PEIR		
Letter from Environment Agency on PEIR (dated 18/03/2011)	Section 10.9.7: We support the intention to analyse the data on intertidal and subtidal invertebrates in the mud adjacent to the compensation site as part of the EIA.	Analysis of these data is considered in <i>Section 34.5</i> .
Letter from David Hickling on PEIR (dated 17/03/2011)	Considers land at Cherry Cobb Sands is incapable of being turned into mudflat and states that an attempt to create mudflats on land with similar physical attributes at Paull Holme Strays has failed.	The proposal will create intertidal habitat including both mudflat and saltmarsh as detailed in <i>Chapter 28</i> .
	Considers that the development of the Compensation Site would not protect the overall coherence of the Humber Estuary Natura 2000 site.	A Habitat Regulations Assessment Report has been produced for AMEP, which concludes that the development of AMEP would have an adverse effect on integrity and addresses the requirement for maintaining coherence of Natura 2000 sites.

Source	Consultee Comment	Response
	Considers baseline surveys of badgers, birds and certain grasses are inadequate because of the duration and timing of surveys.	Uncertainty due to timing of surveys is detailed within each individual survey report. The appropriate duration of surveys was informed by specialists and meets the recognised guidelines for the species concerned (further details provided in <i>Chapter 35</i>).
	Suggests no need for compensation as in the last 7 years 16ha of mudflat and saltmarsh formed over the 5km length between Little Humber and Stone Creek. On this basis the 33ha of intertidal loss due to MEP could be replaced in 7-8 years by natural processes.	A Habitat Regulations Report has been produced for the AMEP, which address the requirement for compensatory habitat.
Email from Natural England on PEIR (dated 18/03/2011)	The scope of the Environmental Impact Assessment should also include sufficient information to allow the Competent Authority to make the judgements required of them under the Habitats Regulations. Any assessment will need to consider potential impacts of the development on estuarine structure and function, and on all of the features of the Humber Estuary SSSI, SPA, Ramsar and SAC, and North Killingholme Haven Pits SSSI.	A Habitat Regulations Report has been produced for the AMEP and is submitted with the application.

Source	Consultee Comment	Response
	<p>If the relevant Habitats Regulations tests have been passed, then compensation measures must be considered and development will only be allowed to go ahead once these have been secured. Natural England would be interested in an explanation as to why no compensation sites on the south bank of the estuary have been suggested.</p>	<p>The Habitat Regulations Assessment addresses the need for compensatory habitat. Alternative sites for creation of compensatory habitat on the south bank have been considered as part of a high level assessment (see <i>Chapter 30</i>).</p>
	<p>Natural England have indicated to Able UK on previous occasions that without a detailed assessment of indirect impacts it is not possible to provide advice on the specific amount of necessary compensation. Natural England are also seeking advice on the requirement that compensation is 'like for like' and will respond separately to this as soon as possible.</p>	<p>A Habitat Regulations Assessment Report has been produced for the AMEP which addresses the amount of compensation required.</p>
	<p>Express concern about the statement, "<i>the maximum amount of compensation that will be provided is 110ha</i>". Natural England's advice is that it is not currently possible to determine this on the information provided. From the data provided in the PEIR it is clear that the area of the proposed realignment site is not at present utilised by some of the key species that will be affected by the proposed development. This will need to be explained in the ES and the regulators will need to be confident that the proposed compensation site will function ecologically for all the affected interest features.</p>	<p>Refer to the separate Habitat Regulations Assessment Report.</p>

Source	Consultee Comment	Response
	A detailed monitoring programme will be necessary and we would expect to be consulted on this.	The requirement for monitoring of the Compensation Site is detailed in <i>Section 34.8</i> .
	It is important to note that the proposed managed realignment site has considerable current interest which must be retained and enhanced. Clearly the effects of creating such a site at this location must be considered.	The environmental and social issues relating to the Compensation Site are addressed in this <i>Volume 2</i> of the ES.
	Biodiversity considerations should no longer be dealt with as an afterthought... the project should include all aspects of its mitigation, <u>compensation</u> and enhancement proposals for biodiversity...	Noted. Aspects of mitigation and compensation relating to biodiversity are detailed in <i>Chapters 34 and 35</i> .
	Section 10.10.1: Para states that saltmarsh will be lost when the breach is created; this impact will need to be added into the overall assessment of impacts.	This impact is considered in <i>Section 34.6</i> .
	Section 10.10.3: Para states that saltmarsh will quickly establish. As stated above, Natural England will provide advice regarding the requirements and compensation objectives for the managed realignment site.	The likely evolution of the site, including vegetation succession is described in <i>Section 28.2</i> and <i>Annex 32.5</i> .

Source	Consultee Comment	Response
	Section 10.10.4 (un-numbered part of para): Para states that the creation of realignment site may lead to the erosion of sediments and deposition on subtidal sandbanks. As subtidal sandbanks are a designated site feature, this impact will need to be assessed in the ES.	This comment relates to Foul Holme Sands. It has been determined that this sandbank is not part of the 'subtidal sandbanks' feature of the SAC as it is intertidal mudflat. The impacts on this habitat are assessed in <i>Section 34.6</i> .
Email from RSPB on PEIR (dated 18/03/2011)	Section 10.9.2: Definition of waterbirds which form part of the designation. The (Ramsar) definition of waterbirds should be used when assessing impacts.... Consideration of species impacted should not be restricted to waterbirds specified on the SPA citation...	Noted. This is addressed in <i>Chapters 11</i> and <i>35</i> .
	Section 10.10.5 (a): States loss of benthic community (at the breach site). The RSPB has serious concerns regarding the loss of the benthic community in the area of mudflat which will be destroyed by the proposals footprint....Experience elsewhere indicates that replacing benthic communities within new sites can take many years and in some cases never develops an equivalent resource to that which is lost.	Impacts on benthic communities at the Compensation site are assessed in <i>Section 34.6</i> .

Source	Consultee Comment	Response
	<p>Section 10.10.5 (b): Please qualify statements such as the time frame meant by 'fairly quickly' when referring to colonisation of the proposed compensation site by benthic fauna. Evidence and a quantitative timeframe to back up such statements should also be provided....Experiences from Cardiff Bay suggest displacing birds from a favoured feeding area to another apparently similar foraging area is complex and difficult to predict therefore reducing confidence in this approach.</p>	<p>The predicted time for colonisation of the Compensation Site is detailed in <i>Section 34.6</i>.</p>

Source	Consultee Comment	Response
Scoping Report		
Letter from Natural England in IPC Scoping Opinion Report (dated 15/10/2010)	Managed realignment site – it is noted that an area is proposed on the north bank of the Humber Estuary where compensatory habitat will be created. If the proposed development reaches this stage (certain tests must be passed first under the Habitats Regulations), then the impacts of the realignment site must also be assessed. It is known that this area is diverse saltmarsh habitat currently in favourable condition. It is expected that a realignment site will lead to some loss of saltmarsh through the breach and associated erosion. Whilst we appreciate that the map is indicative only at this stage, it does appear to include areas of the designated site. Obviously compensation land can only be provided outside the designated site boundary and must compensate for the range of habitats and functions lost.	It is acknowledged that tests under the Habitats Regulations will need to be addressed separately, including any effects upon designated interest features as a result of the proposed Compensation Site. A Habitat Regulations Assessment Report has been prepared.
	Impacts on features associated with the Humber Estuary European Marine Site include: Loss of a large area of sub-tidal and intertidal habitat	

Source	Consultee Comment	Response
	<p>The major adverse effects for this project relate to loss of intertidal and subtidal habitat this is intimately related to major high tide roost sites at North Killingholme Haven Pits and Killingholme Marshes. Any package of compensation therefore, needs to be able to deliver, subtidal, saltmarsh and mudflat habitats of adequate extent to compensate for the losses. There will need to be high tide roosting and feeding habitat comparable to the Pits adjacent to the new estuarine habitats. This will have to demonstrably capable of supporting thousands of black-tailed godwits and other elements of the SPA assemblage displaced from the application site.</p>	<p>It is acknowledged that the majority of adverse effects for the Project relate to loss of intertidal and subtidal habitat and impacts to SPA bird species. Comprehensive consultation with Natural England has been undertaken, and it is considered that the Compensation Site will compensate for these losses. The proposed size and habitats of the Compensation Site are provided in <i>Section 28.1</i>.</p>
PEIR		
<p>Letter from Mr Taylor on PEIR (dated 19/03/2011)</p>	<p>Cherry Cobb Sands and Sunk Island are blessed with deer herds. The deer migrate across this open land to access the bank and then swim over the Creek to reach grazing pastures and the other heard on the Sunk Island side. ABL UK proposals will choke of this land route leaving only the road for access.</p>	<p>The Compensation Site will incorporate a gap between the new soke dyke to the landward side of the realigned embankment and the existing drain running adjacent to Cherry Cobb Sands road (as shown in Figure 28.1). In future, this strip of land would be sufficient for deer to migrate across, or alternatively, they may migrate across fields to the north of Cherry Cobb Sands road.</p>
<p>Email from Natural England on PEIR (dated 18/03/2011)</p>	<p>Table 11.1 lists the surveys which have already been undertaken; however, we are aware that some further surveys are still to be carried out such as further great crested newt survey and breeding birds, at the proposed compensation site.</p>	<p>Protected species surveys have been undertaken and the results are included in <i>Chapter 35</i> and supporting annexes.</p>

Source	Consultee Comment	Response
	Para 11.3.11: It should be noted that winter 2010/11 has been atypical in terms of the severity of the weather and as a result bird survey results may show unusual numbers and distribution.	The assessment does not rely on this data alone. It is considered that this survey data combined with past WeBS count data for the last five years will be fit for purpose.
	Table 11.21: See earlier comments regarding waterfowl assemblage and terminology 'individually listed' SPA qualifying species	All species in the SPA assemblage have been considered in <i>Chapter 35</i> of the Environmental Statement.
	Table 11.22: See earlier comments about adding in 1% or greater of all waterbirds species	Noted. The assessment has been updated to incorporate this comment, and is reported in <i>Section 35.6</i> .
	Table 11.23: This table demonstrates that whilst Cherry Cobb is within the middle estuary, the area is not currently important for feeding Black-tailed godwit; this issue will need to be considered in the ES.	The assessment acknowledges this comment. <i>Annex 35.6</i> provides an assessment of the Black-tailed godwit usage of the Humber Estuary.
	Table 11.24: Additional species need to be highlighted, again this table demonstrates that the site is not currently utilised by Black-tailed godwit. As mentioned previously, it is important to ensure that the compensation works do not affect the current usage/ importance of the area.	Mitigation has been incorporated to minimise the potential impacts of the compensation works upon the current usage/ importance of the area for SPA species.

Source	Consultee Comment	Response
Email from RSPB on PEIR (dated 18/03/2011)	Table 11.24(a): The data shows that the proposed compensation site... already supports populations of SPA & Ramsar waterbirds for foraging loafing and roosting at high tide. Environmental assessments... must include consideration of the potential impacts of this change... Adequate mitigation must be provided to accommodate the waterbirds which are displaced at high tide by the realignment of this section of defence.	An assessment of changes in populations of SPA and Ramsar waterbirds at the Compensation Site is included in <i>Chapter 35</i> of the Environmental Statement.
	Table 11.24 (b): The intertidal adjacent to the proposed compensation site also supports significant numbers of smaller waders such as knot and dunlin but notably few black tailed godwit. Consideration must be given to potential impacts on waterbirds using this resource.	Potential impacts on waterbirds using the intertidal area adjacent to the Compensation Site are included in <i>Chapter 35</i> of the Environmental Statement.
	Table 11.24 (c): It is of concern that few black tailed godwits use the available intertidal habitat in this part of the estuary....Current low usage of the mid-north intertidal does not instil confidence that this area can support the large number of black tailed godwit... as an intertidal resource even if the resource was increased through realignment.	The assessment acknowledges this comment. <i>Annex 35.6</i> provides an assessment of the Black-tailed godwit usage of the middle Humber Estuary.
	Section 11.14.14: This para suggests the breach will convert intertidal to subtidal habitat. We are unclear how this will occur.	Details on the evolution of the Compensation Site are provided in <i>Chapter 28</i> and <i>Annex 32.5</i> .

Source	Consultee Comment	Response
Letter from Environment Agency on PEIR (dated 18/03/2011)	...significant evidence is required to address any concerns that we have, particularly in respect of coastal squeeze losses, defence standards, increases in flood risk to third parties etc...	Relevant baseline information is provided in <i>Section 36.5</i> .
	Figure 6.7: It is unclear...whether it is proposed to realign flood defences just within the 'proposed development boundary' or to the full extent of the 'proposed envelope within which Compensatory Habitat will be created'.	The alignment of flood defences is shown in <i>Figure 28.1</i> of the ES.
	Section 13.8.5: The flood risk mapping information in this paragraph is inaccurate. The Environment Agency's flood maps for insurance purposes have been used instead of flood maps for development purposes. The correct information shows that the site lies within Flood Zone 3 (high probability) defined as land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.	Text has been altered in <i>Section 36.5</i> to reflect this.
	Para 13.8.6: We agree that the compensation works should be classified as 'Water compatible' development under PPS25.	Noted.

Source	Consultee Comment	Response
	<p>Para 13.8.8: There is no further reference in the document to the point made, that the Environment Agency has planned to acquire this site to meet its statutory obligations (Ref should be to 13.8.11).</p>	<p>Noted. Alternative realignment sites are reviewed in <i>Annexes 30.1</i> and <i>30.2</i>.</p>
	<p>Para 13.9.2: Detailed discussions with the Environment Agency will be required well in advance of any proposed works which affect either our structures, such as the Keyingham Drain tidal outfall structure at Stone Creek, or the drainage regimes of the existing watercourses.</p>	<p>The Environment Agency has been included in ongoing consultation throughout the development of the Compensation Site design. Mitigation to minimise impacts upon the drainage regime of Keyingham Drain and Stone Creek as a result of the scheme are provided in <i>Section 36.8</i>.</p>
	<p>If the Keyingham Drain outfall is affected, whether a gravity outfall will still function adequately in a new location will have to be established.</p>	<p>Noted. <i>Section 36.6</i> (also <i>Chapter 32</i> and <i>Annexes 32.4 & 32.6</i>) consider the changes to gravity discharge conditions for the Stone Creek outfalls.</p>
	<p>Para 13.9.5: Both the design of the bank at the rear of the site, and its ongoing maintenance will need to be agreed with the Environment Agency. Although any realigned defences are proposed to be at an appropriate standard, residual flood risk cannot be eliminated if the defence were to breach or be overtopped in an extreme flood. Detailed analysis of these residual risks is required, primarily by way of hazard mapping, in accordance with R&D Technical Report FD2320 Flood Risk Assessment Guidance for New Development.</p>	<p>The changes to flood hazard and risk to people associated with the new flood defence embankment have been assessed and taken into consideration in the Flood Risk Assessment (<i>Annex 36.1</i>) using the recommended technical guidance.</p>

Source	Consultee Comment	Response
	<p>Para 13.9.6: This paragraph refers to ‘two or three residential properties’ being closer to the realigned flood defences. We would contend there are several more properties where this would be the case, again, dependent on the confirmed scale of the works.</p>	<p>Text has been modified in <i>Section 36.6</i> to reflect this. The Flood Risk Assessment (<i>Annex 36.1</i>) provides a full assessment of the number of affected properties. We agree the number potentially affected is greater than two or three.</p>
	<p>Para 13.9.9: We are unclear as to what is meant by this paragraph. The site will provide new habitat to compensate for direct losses on the south bank, but it becomes part of the estuary and will be flooded on every tide, but not ‘functional floodplain’ that in any way assists in relation to the management of flood risk.</p>	<p>This paragraph is not included in the Environmental Statement.</p>
	<p>Para 13.10.2: The recommendations bulleted will need to be discussed as early as possible with the Environment Agency to ensure they are acceptable in this location.</p>	<p>Discussions with the Environment Agency have determined the suitability of mitigation measures identified.</p>
	<p>Para 13.10.4: The maintenance of the flood embankment and of the associated drainage ditches will need to be agreed with the Environment Agency and the appropriate Consents issued to ensure the required standard of protection is maintained throughout the life of the project. We suggest discussion in respect of this takes place as early in the process as possible.</p>	<p>Discussions with the Environment Agency have determined the maintenance regime required for the flood embankment and associated drainage ditches.</p>

Source	Consultee Comment	Response
Letter from David Hickling on PEIR (dated 17/03/2011)	No information is provided in the PEIR on the proposed height of the new flood embankment around the Compensation Site.	The height of the embankment is 4.5 to 5.0 m as set out in <i>Chapter 28</i> .
	As local farmers, we are aware of significant problems currently experienced at the Stone Creek outfall due to siltation problems and inland where many villages depend on the drainage channels that outfall into Stone Creek.	Assessment of potential effects on the Stone Creek drainage outfall has been carried out in response to this and other consultee comments. Mitigation to minimise impacts upon the drainage regime of Stone Creek are as a result of the scheme are provided in <i>Section 36.8</i> .
Letter from Keyingham Level Drainage Board and Ottringham Drainage Board on PEIR (dated 16/03/2011)	You have not demonstrated to us that flooding of this land will not affect the Stone Creek outfall into the Humber. Indeed you have indicated there will be short term siltation. You will be aware that the Stone Creek tidal channel acts as outfall for Keyingham Drain, Ottringham Drain, Cherry Cobb Sands Drain and Sunk Island Drain. One solution may be to combine the present four tidal outfalls into one outfall either tidal or pumped and position it further south nearer the main channel.	In response to these representations from drainage interests, the effects on drainage through the Stone Creek Outfall are included in <i>Section 36.6</i> . The effects of the proposal on low water conditions and siltation in Stone Creek are identified in <i>Chapter 32</i> and <i>Annexes 32.4 & 32.6</i> . Mitigation to minimise impacts upon the drainage regime of Keyingham Drain and Stone Creek are provided in <i>Section 36.8</i> . We do not consider it necessary to move the location of the outfalls at Stone Creek.
Email from Natural England on PEIR (dated 18/03/2011)	A crucial issue for the MEP proposal and any associated compensation site is interaction with the EA's Humber Flood Risk Management Strategy (FRMS). It must be made clear exactly what this interaction is, where there is overlap and how any issues arising from this overlap are to be resolved.	There have been discussions with the Environment Agency on how the proposal interacts with the HFRMS. The HFRMS is a long term plan that will evolve over time.

Source	Consultee Comment	Response
	<p>For example, the FRMS will have to compensate for losses to coastal squeeze. How do the MEP proposal and its potential compensation package sit with this requirement?</p> <p>Also, as stated elsewhere the area for the proposed MEP compensation site is also being looked at by the EA (indeed it is illustrated by the EA in the FRMS)</p>	<p>AMEP will not change intertidal habitat losses due to coastal squeeze. We acknowledge that the HFRMS identifies a number of areas which are suitable for coastal squeeze compensation including Cherry Cobb Sands. However the sites identified in HFRMS are potential realignment sites and their use for this purpose is not assured. The site selection studies (<i>Annexes 30.1 and 30.2</i>) have identified other potential sites where compensation for coastal squeeze in the Middle Estuary might also be achieved.</p>
	<p>Paras 13.8.8 & 13.8.9: The FRMS does not say that the management approach for Stone Creek to Paull Holme Stray is “hold the line”. It is much more equivocal than that. It says that maintaining existing defences “will become increasingly expensive as sea levels rise. In the long term those responsible may decide it is not worth carrying on.”</p>	<p>Text in <i>Section 36.2</i> has been modified to reflect this and includes the qualification noted by the consultee.</p>
	<p>Paras 13.9.5: An improvement in the standard of flood defence is anticipated. This element of the proposal must not contradict the agreed approach in the FRMS.</p>	<p>The improved standard of protection is a requirement of the Environment Agency so is deemed to be compatible with their strategy.</p>

Source	Consultee Comment	Response
Email from RSPB on PEIR (dated 18/03/2011)	Paras 13.8.7: Potential issue with compatibility of the proposed ...compensation site with the existing HFRMS requirementsand the current draft HRA of the strategy...and changes in any subsequent environmental impacts such as coastal squeeze.	The Compensation Site will maintain the current continuity of flood defences at Sunk Island. It will not result in any additional impacts on coastal squeeze.

Source	Consultee Comment	Response
Letter from East Riding of Yorkshire Council on PEIR (dated 11/02/2011)	A traffic management plan is required detailing mitigation methods for construction vehicle access and routeing on the surrounding publicly maintained highway network.	A Construction Traffic Management Plan will be completed in consultation with ERYC prior to the start of construction.
Letter from Mr Taylor on PEIR (dated 19/03/2011)	The loss of our access road will have to be addressed by ABLE UK; at the very least an alternative will have to be provided. If the scheme goes ahead then during the construction phase Cherry Cobb Sands will have to remain open and unobstructed at all times.	Access will be maintained to Cherry Cobb Sands Road and to all properties in the area at all times during construction. Further details are provided in <i>Section 37.8</i> .

No comments received

No comments received

Source	Consultee Comment	Response
English Heritage informal letter 30 July 10	English Heritage Notes presence of Listed Buildings in vicinity of site and necessity of EIA to consider effects on these assets.	Acknowledged
IPC Scoping Opinion Report paragraph 3.71	Scope of the study should include all of historic environment not just marine.	Now done
IPC Scoping Opinion Report paragraph 3.72	Justification for choice of study area to clearly defined.	Agreed with English Heritage in January 2011.
IPC Scoping Opinion Report paragraph 3.73	Notes that wrecks may be affected and will requirement impact assessment and mitigation.	Assessment undertaken
IPC Scoping Opinion Report paragraph 3.74	Notes need to consider effects on marine archaeology of quay construction and dredging.	Assessment undertaken
IPC Scoping Opinion Report paragraph 3.75	Notes that English Heritage is the body responsible for agreeing mitigation below Low Water Mark.	Acknowledged
IPC Scoping Opinion Report paragraph 3.76	Notes that assessment should also include indirect effects on marine archaeology through changes in hydrodynamic and sedimentary regime in the estuary.	Acknowledged

Source	Consultee Comment	Response
IPC Scoping Opinion Report paragraph 3.77	Consideration should be given to monitoring of impacts through all phases.	Will be included in mitigation strategy.
Letter from English Heritage in IPC Scoping Opinion (dated 07.10.10)	EIA requires assessment of impacts on all designated heritage assets within a suitable (poss. 10km) radius.	Agreed with English Heritage in January 2011.
Meeting with D Evans, Humber Archaeology Partnership (HAP) 27 October 2010	Further site investigations to be undertaken to define detail of mitigation proposals. First stage geophysical survey. Thereafter trial trenching and coring may be required. Marine surveys may be required	Acknowledged
Letter from English Heritage in response to PEIR consultation (dated 07/03/2011)	General comments:	
	The EIA and mitigation will require consideration of terrestrial and marine components together with the complex geomorphological history of the Humber	Acknowledged
	Foreshore and marine components will require comprehensive mitigation	Acknowledged
	Consistency across background documents	Acknowledged.
	Title of chapter should be The Historic Environment	Confirmed

Source	Consultee Comment	Response
	Include reference to additional policy/guidance	See section 40.2
	Impact assessment needs to consider long term nature of setting and physical effects, during Operational and Construction Phases	Incorporated into ES <i>Chapter 40</i>
	Assessment of impacts and mitigation responses need to take into account potential changes in construction proposals owing to the flexibility inherent in an IPC consent.	Acknowledged
Letter from Hickling Gray Associates on behalf of Mr Kirkwood and Mr Leake (dated 17/03/2011)	Consider that the sea wall at Cherry Cobb Sands is part of the setting of the WW2 Scheduled Monuments in the vicinity.	Addressed in <i>Chapter 40</i> and setting assessment <i>Annex 18.4</i>
Email response from English Heritage to preliminary geophysical survey and monitoring geotechnical investigations (dated 10/06/2011)	Agree with the general conclusion of the reports that the Cherry Cobb Sands site is reclaimed mudflats.	Acknowledged.
Email response from D Evans, HAP, to preliminary geophysical survey and monitoring of geotechnical	Will require additional site investigations to confirm absence of archaeological potential and detailed mitigation requirements	Subsequently agreed to principle of further investigations prior to development and 'strip map and sample' mitigation approach.

Source	Consultee Comment	Response
investigations (dated 18/07/2011)	Search of HER identified no heritage assets, but does not confirm absence of archaeological deposits. Further investigations may be required.	Subsequently agreed to principle of further investigations prior to development and 'strip map and sample 'mitigation approach.
Email response from D Evans, HAP, to preliminary assessment of Old Little Humber Farm site (dated 05/12/2011)		

Source	Consultee Comment	Response
Letter from East Halton Parish Council in IPC Scoping Opinion Report (dated 15/10/2010)	Adequacy of Landscaping for the scheme.	Landscape treatment for the scheme is addressed as concept mitigation measures in <i>Section 41.8</i> .
Letter from English Heritage in IPC Scoping Opinion Report (dated 07/10/2010)	Use of temporary height markers to create verified photographic views from all key viewpoints.	Known heights of existing tall structures adjacent to the site were used to assist in the preparation of photomontages (see <i>Annex 41.3</i>).
Letter from Natural England in IPC Scoping Opinion Report (dated 23/07/2010)	Robust landscape character appraisal required as basis for assessment. Reference to North Lincs Council Landscape character data is recommended.	Baseline landscape character is addressed and includes North Lincolnshire local character.
	Location, scale, massing and colours of the proposed structures to be considered in the assessment.	The Compensation Site is described in <i>Chapter 28</i> .
	Impact of lighting to be considered.	There will be no lighting of the Compensation Site during operation.

Source	Consultee Comment	Response
	<p>Use of the following reference documents is recommended</p> <ul style="list-style-type: none"> • Countryside Agency and Scottish Natural Heritage (2002), Landscape Character Assessment, Guidance for England and Scotland; • Countryside Character Volume 3 Yorkshire and the Humber – character area no 41; <p>Guidelines for Landscape and Visual Impact Assessment (GLVIA), Landscape Institute and Institute of Environmental Management, second edition 2002.</p>	<p>The stated reference documents were used for this report.</p>
	<p>Cumulative impact to take account of established and proposed developments within the zone of visual influence.</p>	<p>Cumulative impacts of the Compensation Site have been considered alongside other proposed developments within the zone of visual influence.</p>
	<p>Visual impact and impact on landscape character to be considered and may include seascape.</p>	<p>This has been considered within this chapter of the ES.</p>
<p>Letter from North Lincolnshire Council in IPC Scoping Opinion Report (dated 13/10/2010)</p>	<p>PPS 9 and the potential for biodiversity and landscape enhancement – Inclusion of landscape proposal as part of overall masterplan with biodiversity objectives in mind.</p>	<p>Addressed in the concept landscape mitigation plan as shown in <i>Section 41.8</i>.</p>

Source	Consultee Comment	Response
	<p>Assessment to be informed by the following references</p> <ul style="list-style-type: none"> • Guidelines for Landscape and Visual Impact Assessment (GLVIA), Landscape Institute and Institute of Environmental Management, second edition 2002; • Windfarms: Guidelines on the environmental impacts of windfarms and small-scale hydroelectric schemes, Scottish Natural Heritage 2002; • Cumulative effect of wind farms version 2, Scottish Natural Heritage. 	<p>References considered in this chapter of the ES. Cumulative impacts with other wind farms will not be considered as the Compensation Site does not include any wind turbines.</p>
	<p>Cumulative impacts will consider nearby power station and plant and infrastructure associated with petrochemical industry.</p>	<p>Cumulative impacts of the Compensation Site have been considered alongside other proposed developments within the zone of visual influence.</p>
	<p>Landscape Design for the proposed masterplan will consider the following:</p> <ul style="list-style-type: none"> • Enhancement of buildings and spaces in between • Contribute to biodiversity • Create attractive and accessible public and private open spaces • Consider sustainability. 	<p>Landscape treatment for the scheme is addressed as concept mitigation measures in <i>Section 41.8</i>.</p>

Source	Consultee Comment	Response
Letter from West Lindsey District Council (dated 02/11/2010)	Assessment to take account of the West Lindsey Landscape Character Assessment – August 1999.	The stated reference document has been used.
	Assessment of impacts on local landscape character to cover a 10 km radius.	This has been included within this landscape and visual impact assessment.
Letter from Natural England (dated 29/10/2010)	<ul style="list-style-type: none"> • Agrees with 30 km geographic scope of the assessment. • Impact on local landscape character to cover a 10 km radius study area. • Spurn Point and Heritage Coast to be added to the list of designated landscapes to be considered. • Visual Impact assessment is to include a viewpoint adjacent to North Killingholme Haven Pits, at grid ref: TA 164 199. A second viewpoint should be from the public footpath on the floodbank at around TA 155 215. • The protection of existing features, and the inclusion of features to assist with the assimilation of the development within its local landscape, should be given careful consideration in regard to the proposed mitigation. • The cumulative assessment should not be limited to just other turbine manufacturing facilities. 	All of the points raised have been addressed in the landscape and visual assessment in this chapter of the ES.

Source	Consultee Comment	Response
Meeting with North Lincolnshire Council on (07/10/2010)	The LVIA will be limited to onshore aspects of the development. Impacts on landscape and visual amenity of the turbines as they are being transported out to sea are to be excluded from the scope of the assessment.	This is applicable to the AMEP element of the scheme, and is therefore not dealt with in this Chapter of the ES.
Letter from Hull City Council dated (22/11/2010)	Satisfied with the detailed approach as set out in ERM consultation letter of 27.10.2010.	Noted.
Letter from West Lindsey Council in IPC Scoping Opinion Report (dated 20/10/2010)	Assessment to consider the impact of power lines associated with the scheme on landscape character and visual amenity.	Not relevant to the Compensation Site aspect of the scheme.
	Visual impact of the works on the communities of Brocklesby, Great Limber, Keelby and Riby Parishes.	These areas have been considered in the LVIA process.

Source	Consultee Comment	Response
Letter from Mr Taylor on PEIR (dated 19/03/2011)	<p>From my house looking to the North East and the proposed site I have an unbroken view of the horizon with Kingston upon Hull in the distance. I also have a small caravan and camping site which also enjoys the same view of open country side. The open view forms a large part of the attraction for us and visitors camping at Stone Creek. We have plans to develop the site taking advantage of the natural environment of Stone Creek and the SSSI which is the Humber Estuary. There is nowhere else locally to stay and enjoy this special locality. ABLE UK's proposal to build a bank up to the field edge will mean we lose our view, be oppressive by hemming us in, visitors will lose part of the attraction and the viability and long term future of our site will be impaired.</p>	The use of a 100 metre minimum offset between residential land and the proposed embankment will be instituted to address Mr Taylor's concerns.

Source	Consultee Comment	Response
A meeting was held between Able and ERYC on 17 November 2010 regarding the Compensation Site	ERYC emphasises the importance of ongoing and proactive consultation with the local community to ensure full understanding of the proposed scheme. The council also recommended liaising with the Local Access Forum to agree mitigation proposals for the public right of way (PRoW) that would be affected as a result of the Compensation Site.	ERYC has been included in ongoing consultation throughout the development of the Compensation Site design. This has included liaison with PRoW officers.
Letter from David Hickling on PEIR (dated 17/03/2011)	<p>Stated that there is no assessment of effect of proposal on farm viability or local renewable energy in PEIR. Notes that land is Grade 2 and produces up to 2000 tonnes pa of wheat, barley and oil seed rape.</p> <p>Considers that the loss of income would have a 'significant impact on the viability of Sands House Farm and a noticeable one at Little Humber'. Notes that this is omitted from the table of disbenefits in Annex 6.1.</p>	<p>All agricultural tenants losing viable farmland would receive statutory compensation in accordance with the Agricultural Holdings Act 1986.</p> <p>An assessment of impacts relating to loss of agricultural land is given in <i>Paragraph 42.6.13</i>.</p>
	The footpath along the existing bank crest is part of the national coastal footpath network and its amenity value for bird watchers, fishermen and recreational walkers is likely to be lost if the footpath is re-routed along the road.	An assessment of impacts relating to loss of the coastal footpath is given in <i>Section 42.6</i> . Three bird hides are proposed on top of the embankment to enable bird watching and allow views across the estuary.

Source	Consultee Comment	Response
Email from Hedon Town Council on PEIR (dated 03/03/2011)	Hedon Town Council opposes any loss, of what is, prime agricultural land on the north bank of the Humber to accommodate development on the south bank. Hedon Town Council is of the opinion that there is adequate land on the south bank, close to the proposed development, to incorporate/create a new wildlife habitat without the need to flood land to the north of the River Humber.	The need for the development and the choice of site is set out in <i>Chapters 29 and 30</i> .
Email from Sunk Island Parish Council on PEIR (dated 18/03/2011)	Sunk Island Parish Council opposes any loss/flooding of what is prime agricultural land on the north bank of the Humber, to accommodate development on the south bank. Sunk Island Parish Council is of the opinion that there is adequate land on the south bank, close to the proposed development, to incorporate/create a new wildlife habitat without the need to flood land to the north of the River Humber.	The need for the development and the choice of site are set out in <i>Chapters 29 and 30</i> respectively.
Letter from East Riding of Yorkshire Council on PEIR (dated 11/02/2011)	Clarification sought as to whether these new wildlife habitats will be open to the general public and if so what facilities will be provided and where.	The purpose of the Compensation Site is to provide compensatory habitat for displaced SPA bird species and therefore public access will be controlled to minimise disturbance. Three bird hides are proposed on top of the embankment to enable bird watching and allow views across the estuary.

Source	Consultee Comment	Response
	Consultation with the Council's Public Rights of Way (PRoW) team should be undertaken to ascertain their views on the diversion of the PRoW. The Definitive Maps Team should be contacted.	Liaison has been undertaken with the PRoW officer at ERYC to develop a suitable solution with regards the diversion of the PRoW.
Letter from Mr Taylor on PEIR (dated 19/03/2011)	Effects on loss of public amenity could be largely mitigated if the new bank proposed by ABLE UK was set back from the Radar access road by a distance of not less than 100m. Introducing this buffer zone would enhance the ecology of the area, maintain and continue to enhance the caravan and camping site, encourage visitors to Stone Creek, thus providing an asset with some public benefit.	The embankment at the Compensation Site has been designed so that it is set back from the Radar access road by 300 m (see <i>Chapter 28</i>).
Email from Ramblers Association (Mike Jackson) (19/05/2011)	Under which Act of Parliament is it proposed to divert the footpath?	The footpath will not be diverted by a usual Act of Parliament, but using a 'Development Consent Order' under the Planning Act 2008. This Act introduces a new regime for authorising nationally significant infrastructure projects and orders made under it can contain powers to divert (or stop up) footpaths.
	What sort of fencing is proposed to be erected to stop the public entering the site?	The site will be unfenced, in common with the surrounding estuary frontage, with the exception of the guide fences around the hides and ramps, as set out on the plans in the ES.

Source	Consultee Comment	Response
	Why are there no measurements in the consultation document?	At the stage of the consultation document, the design of the compensation site was still subject to discussion with Natural England and other regulators, and had not been refined to a degree where precise statements of measurements would have been appropriate. The plans are included in the ES.
	Why can you not put a bridge over the breach in the river wall?	In order to ensure that the site functions correctly in terms of inundation and drainage, the breach will need to be 250m wide; a bridge over the breach would require substantial foundations which would impair the correct functioning of the breach. A bridge on the same alignment would also have to be constructed after the wall was breached, which would incur significant practical difficulties in construction in an inundated site. The length of sea wall to be superseded by the realignment is not proposed to be maintained, and the action of rising sea levels means that it will have a design life of approximately 40 years: diversion of the footpath around the new sea wall is therefore considered the best long-term solution.

Source	Consultee Comment	Response
	<p>Why have you chosen a site to the west of Stone Creek, which has a public footpath running through it, when the land to the east of Stone Creek has no public footpath?</p>	<p>An extensive site selection study both east and west of Stone Creek was undertaken (see <i>Annexes 30.1</i> and <i>30.2</i>). A range of technical factors were considered such as the width of saltmarsh in selecting the Compensation Site and concluded that sites west of Stone Creek were more favourable than sites east of Stone Creek as the saltmarsh fronting the site is much narrower west of Stone Creek making it easier for the sea to inundate the Compensation Site. Sites east of Stone Creek are within the Sunk Island Built Conservation Planning Area which could introduce additional planning constraints. The need to divert a public footpath for sites west of Stone Creek was a dis-benefit identified for these sites which was included in the overall assessment.</p>

Source	Consultee Comment	Response
	<p>Why have the public to be kept away from the bird site? This is not the case with the present site, or at the other compensation site at Paull</p>	<p>In order to meet the requirements of the Conservation of Habitats and Species Regulations 2010, without which development cannot proceed, it is necessary for the compensatory habitat to function effectively for use by birds. Natural England has referred us to studies indicating the extent of disturbance that accrues from the proximity of people and dogs to bird habitat, and has advised that disturbance levels to birds using the site must be minimised in order to ensure that its ecological function is as great as possible. If the site were subject to disturbance it is likely that more land would be required to mitigate for this effect.</p>
	<p>As a service provider, how do you intend to comply with the DDA 1995 as amended by the DDA 2005</p>	<p>The Disability Discrimination Act 1995 was repealed and replaced by the Equality Act 2010 last year, but the relevant provisions are similar. There is a duty to make 'reasonable adjustments' to avoid disadvantages to disabled people. We have accordingly provided ramped access at all changes of level along the proposed realigned footpath and at the proposed bird hides, at a gradient of 1:20.</p>

Source	Consultee Comment	Response
	How do you propose to stop the footpath being flooded?	The footpath will run between the soke dyke of the flood defence wall, and an existing drainage ditch running along Cherry Cobb Sands Road. The strip of land along which the footpath is proposed to run will be drained by this ditch which discharges to Stone Creek.
	The site on the south bank is 55 ha, so why is the new site 90 ha in size?	Natural England interprets the Habitats Regulations to mean that ecological compensation works must ensure the preservation of ecological function. Ecological function must be maintained to at least the level which existed before the loss of integrity is incurred. In many cases, compensation works have been required by NE to exceed the scale of the loss by a ratio defined on a case-by-case basis to reflect any uncertainty of success, or any potential delay between the loss of integrity and the mature functioning of the compensation works. In this case, compensation proposals have been required by NE to exceed the scale of the loss of habitat on the south bank. NE advised that 100 ha should be provided.

Source	Consultee Comment	Response
	<p>What is Able UK proposing in way of compensation to the general public for the loss of the views of the river, etc.?</p>	<p>The site is being designed to be of significant ecological benefit to the estuary, and the site is designed to attract a good deal of bird usage, developing into a rich ornithological habitat of significant potential amenity value for humans as well as birds. While it is necessary to avoid passive disturbance to the birds by footpath users, bird hides can allow sight of the habitat and the birds using it to be enjoyed without impairing its ecological function. It is thus proposed that hides will be erected on the new flood defence wall, accessed from the realigned footpath by ramps of design similar to those used for the change of footpath level, which will allow the compensation site to be viewed without disturbance to the birds.</p>
<p>Email from Mike Jackson (Ramblers Association) to Gordon Grimley (dated 30/09/2011)</p>	<p>The Ramblers propose that the footpath be at the top of the bank, giving views to walkers. The Ramblers state that a buffer of 150m is the minimum that should be considered in a situation where the adjacent land use is unsecured</p>	<p>Placing the footpath at the top of the bank would disturb the birds at times when the Compensation Site is required to provide compensation for the AMEP scheme on the south bank. Subject to satisfactory monitoring results from the Compensation Site, a permissive path may be opened along the crest of the new Cherry Cobb Sands flood embankment during agreed periods of the year when bird activity within Cherry Cobb Sands is unlikely to be disturbed (<i>Section 42.6</i>).</p>

Source	Consultee Comment	Response
	<p>Applying a 150 m buffer would leave 67 ha outside the buffer zone, which is more than is currently being taken on the south bank. The closure of the existing footpath (Paull 6) will give an additional 30 ha to the site from which the public and dogs will no longer be able to walk, and so causing no disturbance to the birds. A large section of the 55 ha site south of the river is unavailable to birds as it is below low tide and there is a footpath along the river bank which needs the same 150m strip removing from the measurements.</p>	<p>This approach is an interesting one for calculating the area of compensation habitat required but does not satisfy Natural England who has the duty to ensure that the Compensation Habitat that is provided has a high probability of delivering the necessary ecological function.</p>
	<p>The above calculations are based on the footpath south of the 250m breach in the flood defence wall being kept open as a point of public interest</p>	<p>Unfortunately, the section of footpath south of the 250 m breach will be closed. This is firstly to avoid disturbance to the birds within the Compensation Site and secondly to avoid potential public safety issues close to the breach, which will experience high tidal currents and may erode over time as it will not be maintained.</p>

Source	Consultee Comment	Response
Email from Gordon Grimley ERYC (dated 5/10/2011)	<p>We still wish to maintain our objection to the proposed Public Footpath diversion.</p> <p>We have to consider that the compensation site is neither within the Humber Estuary Special Protection Area (SPA), the Humber Estuary SSSI nor the Ramsar site, Humber Flats, Marshes and Coast. We have to look at this proposed diversion as we would any other we would make in the interests of the public where we would have to demonstrate that the public will derive positive benefit from the diversion. Although habitat creation is the principal reason for the construction works and the need for a diversion we still have to protect the interests of the walking public.</p> <p>We would like to put forward the following:</p>	<p>The constructive proposals by ERYC to find a mutually satisfactory solution to the routing of the footpath are appreciated. Able appreciate the need to protect the interests of the walking public, but need to balance this against the prime need at this particular site to provide compensation for estuary birds, based on the advice provided by Natural England.</p>
	<p>1) Make both routes Definitive, along the top and bottom of the new flood defence wall, but put limitations into the Definitive Statement for the one on the top of the bank. The footpath could then be closed for a number of weeks through the year and the public could use the ramped route at the base of the bank. This closure period could be through the breeding season Both routes should have a width of 4 m. Adequate signage could encourage the public to use the route at the base of the bank at all times.</p>	<p>To satisfy the need to avoid disturbance to the birds using the site, the Definitive footpath will be along the toe of the embankment with ramps to the three bird hides. This is the clear advice of Natural England to avoid disturbance to birds using the Compensation Site. However, subject to satisfactory monitoring results from the Compensation Site, Able is prepared to consider a permissive path along the crest of the new Cherry Cobb Sands flood embankment during agreed periods of the year when bird activity within Cherry Cobb Sands is unlikely to be disturbed (see <i>Section 42.6</i>).</p>

Source	Consultee Comment	Response
	<p>2) A less appealing, but still agreeable alternative to the above would be to divert the footpath to run along the top of the new bank. This Definitive footpath, with a width of 4 metres, would again have limitations in the Definitive Statement. A 'permissive' route would also be available along the bottom of the bank. Again by adequate signage, the public can be encouraged to use the informal route instead of walking on the bank top.</p>	<p>This alternative is not acceptable (see response above).</p>
	<p>ERYC would also like to support Mr Jackson's proposal that the 460 metre section of existing footpath south of the proposed breach be kept open. This also might have to be subject to limitations.</p>	<p>The section of footpath south of the 250 m breach will be closed. This is firstly to avoid disturbance to the birds within the Compensation Site and secondly to avoid potential public safety issues close to the breach, which will experience high tidal currents and may erode over time as it will not be maintained.</p>
	<p>We would like to propose a permissive link footpath from the parking area to the footpath at the base of the new bank.</p>	<p>Agreed.</p>

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WASTE

No comments received