

IMMINGHAM EASTERN RO-RO TERMINAL



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Immingham Eastern Ro Ro Terminal

Preliminary Ecological Appraisal Report

Associated British Ports

December 2022

Quality information

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1. Executive summary

<p>Survey Area</p>	<p>The survey area comprises the landside areas of the Immingham Eastern Ro-Ro Terminal (IERRT) project site, which totals approximately 38 ha and is located within the operational Port of Immingham.</p> <p>The land is currently in use for a range of port-related activities including the storage of bulk material and commercial vehicles. A number of commercial tenants occupy properties within the IERRT project site boundary, and there are several office buildings and warehouses.</p>
<p>Project Details</p>	<p>Construction of a new three-berth roll-on roll-off (Ro-Ro) terminal and associated landside infrastructure, known as the IERRT project.</p> <p>This Preliminary Ecological Appraisal (PEA) only considers terrestrial ecology; the marine elements of the IERRT project (including intertidal habitats used by coastal birds) are assessed in the Nature Conservation and Marine Ecology chapter (Chapter 9) of the Environmental Statement (ES) (Application Document Reference number 8.2.9) and accompanying appendices (Volume 3 of the Environmental Statement (ES) (Application Document Reference number 8.4.9)).</p>
<p>Ecological Features that may be affected by the IERRT project</p>	<p>Habitats - most of the land within the northern and eastern parts of the landside IERRT project site is hardstanding/ roads within the operational port that is of negligible ecological value. The southern part of the IERRT project site comprises ephemeral/ short perennial vegetation and some peripheral areas of grassland, scrub and trees in less disturbed parts of the IERRT project site.</p> <p>Bats (foraging/ commuting) – the landside IERRT project site may support small numbers of foraging and commuting bats.</p> <p>Otter and water vole – may be present on drains adjacent to the IERRT project site (including Habrough Marsh Drain).</p> <p>Breeding birds (Schedule 1) - potentially suitable breeding habitat for little ringed plover is present within the IERRT project site; a water tower may be suitable for nesting peregrine although no evidence of nesting was observed in 2021.</p> <p>Breeding birds (non-Schedule 1) – a range of common nesting species are likely to be present in scrub/ woodland in peripheral parts of the landside IERRT project site.</p>

	<p>An assessment of the potential impacts on the designated features of the Humber Estuary European Marine Site (EMS), including the Special Protection Area (SPA), Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and Ramsar designations, is presented in the Nature Conservation and Marine Ecology Chapter of the ES (Chapter 9) and accompanying appendices.</p>
<p>Recommendations for further survey</p>	<p>No further surveys are recommended.</p>
<p>Recommendations for mitigation</p>	<p>Badger – a precautionary check of inaccessible dense scrub for evidence of setts will be undertaken as part of vegetation clearance works. If an active sett is found, a Natural England licence to disturb and or close the sett may be required.</p> <p>Breeding birds (Schedule 1) –</p> <ul style="list-style-type: none"> • little ringed plover – sensitive timing of vegetation removal/ site disturbance or implementation of bird deterrent measures. • peregrine – a precautionary pre-construction check of water tower for nesting activity will be undertaken. <p>Breeding birds (non-Schedule 1) - scrub and trees should be removed outside the breeding bird season where possible (avoiding March to end of August inclusive). Any works within the bird nesting season should not be carried out until a nesting bird check has been undertaken by a suitably experienced ecologist. If a nest is recorded then works would not be able to proceed, or would need to work around a buffer zone, until the young have fledged.</p>

2. Introduction

Background

- 2.1 AECOM Ltd has been appointed by Associated British Ports (ABP) to undertake a Preliminary Ecological Assessment (PEA) of land within the Port of Immingham that is within the boundary of the terrestrial elements of the proposed Immingham Eastern Ro-Ro Terminal (the 'IERRT project') site.
- 2.2 This PEA has been developed with reference to an Extended Phase 1 habitat survey and previous PEA of most of the land within the IERRT project site boundary undertaken by Wold Ecology Ltd on behalf of ABP in July 2021 (presented as Annex C to this PEA). The Wold Ecology Ltd PEA report was prepared in the absence of any detail relating to the IERRT project and did not include some of the land within the northern/ eastern parts of the landside IERRT project site boundary, which is in intensive port operational use. The baseline data contained within the Wold Ecology PEA report have therefore been supplemented with an additional Extended Phase 1 habitat survey and appraisal of terrestrial ecology features by AECOM to address information gaps.

The proposed development

- 2.3 The IERRT project comprises the construction of a new three berth Ro-Ro terminal with associated marine infrastructure. There will also be associated landside works within the port estate, which are mostly limited to upgrades of existing port infrastructure to provide open parking and storage space, and a small number of additional buildings for offices, gatehouses, and border control. Some additional ground works will be required in terms of hard surfacing of areas that are currently peripheral/ not surfaced.
- 2.4 The terminal area will be fully fenced to comply with International Ship and Port Facility (ISPF) criteria and will also require adequate lighting, which again in most areas will simply represent a replication of lighting and infrastructure already present within the port estate.
- 2.5 A bridge will be constructed to ensure contiguous terminal operations between the currently separate northern and southern storage areas. The bridge will span Robinson Road and some in-dock railway sidings.

The survey area

- 2.6 The IERRT project will occupy an area of land approximately 38 ha in total; centred on grid reference TA 203 154 within the port estate of Immingham. This excludes the marine elements of the IERRT project, since this appendix is only concerned with terrestrial ecology and nature conservation.

2.7 Figure 1 in Annex D shows the location of the Survey Area, which encompasses all terrestrial habitat within the IERRT project site boundary¹. For the purpose of this PEA Report (PEAR), the areas have been split as follows:

- Northern area – immediately adjacent to the Humber Estuary (approx. 7.5 ha); and
- Southern area – car storage area bound to the south by the railway line (approx. 26.5 ha); and

2.8 In addition, an area of mature broad-leaved woodland on the south side of Laporte Road (referred to as ‘Long Strip’) has been incorporated within the IERRT project site boundary, as ecological enhancements will be delivered within this area. It will not be negatively impacted by the IERRT project.

Purpose of the Preliminary Ecological Appraisal

2.9 This PEAR presents ecological information obtained from the following:

- A desk-study undertaken in July 2021 by Wold Ecology Ltd (Annex C) to obtain records of designated sites, notable habitats² and protected and notable species³ within 2 km of the IERRT project site (the area covered by this desk study is hereafter referred to as the ‘Desk Study Area’); and
- A Phase 1 habitat survey of land within the IERRT project site undertaken by Wold Ecology Ltd on 22nd July 2021 and AECOM on 21st October 2021 (the area covered by these surveys is hereafter referred to as the ‘Survey Area’).

2.10 The purpose of the PEAR is to provide a high-level terrestrial ecological appraisal of the IERRT project, specifically to:

- Establish baseline conditions and determine the presence of Important Ecological Features (IEF)⁴ (or those that could be present), as far as is possible;
- Identify potential terrestrial ecological constraints to the IERRT project and make recommendations to avoid impacts on IEFs, where possible;
- Identify requirements for terrestrial ecological mitigation, where possible, including mitigation measures that will be required and those that may be required (depending on results of further ecological surveys or final scheme design); and
- Establish any requirements for more detailed ecological surveys.

¹ This PEAR relates only to terrestrial ecology, and all potential constraints associated with the coastal and intertidal features of the adjacent Humber Estuary European Marine Site (EMS) incorporating the Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest (SSSI) are addressed within the Marine Ecology and Ornithology chapter of the Preliminary Environmental Information Report (PEIR).

² Notable habitats are taken as principal habitats for the conservation of biodiversity listed under Section 41 of the *Natural Environment and Rural Communities Act 2006*; habitats listed under the Lincolnshire Biodiversity Action Plan (BAP); hedgerows identified as being ‘important’ under the wildlife criteria of the *Hedgerow Regulations 1997*, ancient woodlands and veteran trees.

³ Notable species are taken as principal species for the conservation of biodiversity listed under Section 41 of the *Natural Environment and Rural Communities Act 2006*; any species listed in an IUCN Red Data Book; and any other species listed under the Lincolnshire BAP.

⁴ Important Ecological Features are habitats, species, ecosystems and their functions and processes that are of conservation importance and could potentially be affected by the IERRT project.

2.11 This PEAR is supported by the following Annexes:

- Annex A: Wildlife Legislation & Policy;
- Annex B: Methods (including limitations);
- Annex C: Wold Ecology Ltd PEAR July 2021 (incorporating desk study data);
- Annex D: Figures; and
- Annex E: Photographs.

Consultation

2.12 Given the low ecological value of the habitats identified, and the conclusion that the IERRT project site does not support any protected or notable species with the exception of a limited suite of breeding bird species (for which standard pre-construction mitigation measures will be adopted for legislative compliance), as set out in the EIA Scoping Report, terrestrial ecology was scoped out of the EIA. This approach was confirmed in the formal Scoping Opinion Response Letter.

2.13 A summary of the responses to the Scoping Report and Preliminary Environmental Information Report (PEIR) from statutory consultees, and how any issues raised have been addressed, is provided in Table 1 below. Comments received from members of the public during the public consultation are also summarised and considered in Table 1.

Table 1: Scoping and PEIR Comments and Actions Undertaken

Consultee	Reference	Comment	Action	Chapter or Section of the ES
Planning Inspectorate (PINS)	Scoping Opinion Reference: Table ID 4.4.1	The Scoping Report does not consider the potential for indirect effects on ecological receptors within the Proposed Development’s zone of influence. The Scoping Report states that potential air quality impacts on ecological receptors from both construction and operational activities will be assessed. The ES should include an assessment of these matters or information demonstrating agreement with the relevant consultation bodies and the absence of an LSE.	Potential air quality impacts on ecological receptors from both construction and operational activities are assessed in the Air Quality chapter of the ES.	Environmental Statement (ES) Chapter 13 (Air Quality)
Natural England	Scoping Opinion Appendix 2 Natural England response	The ES should assess the impact of all phases of the proposal on terrestrial protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats).	A PEA has been undertaken by an ecologist in accordance with Chartered Institute of Ecology and Environmental Management (CIEEM) guidance (CIEEM, 2017). This PEA underpins the conclusion to	ES Chapter 6 (Impact Assessment Approach), Section 6.2 (Scope of assessment) ES Appendix 6.2 (this PEAR)

Consultee	Reference	Comment	Action	Chapter or Section of the ES
			scope out terrestrial ecology from the EIA. This approach was confirmed in the Scoping Opinion Response Letter.	
		Natural England notes that a Phase 1 Habitat survey and Preliminary Ecological Appraisal have been carried out and have reported low ecological value of the habitats identified. Without the detailed results presented, Natural England advises that a habitat survey (equivalent to Phase 2) may be required, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.	The PEA has been included as an appendix to the ES and underpins the conclusion to scope out terrestrial ecology from the EIA.	ES Chapter 6 (Impact Assessment Approach), Section 6.2 (Scope of assessment) ES Appendix 6.2 (this PEAR)
		The Environmental Statement should include details of:	Terrestrial ecology has been scoped out of the EIA following the conclusions reached by the	ES Chapter 6 (Impact Assessment Approach), Section 6.2 (Scope of assessment)

Consultee	Reference	Comment	Action	Chapter or Section of the ES
		<ul style="list-style-type: none"> ▪ Any historical data for the IERRT project site affected by the proposal (e.g. from previous surveys); ▪ Additional surveys carried out as part of this proposal; ▪ The habitats and species present; ▪ The status of these habitats and species (e.g. whether priority species or habitat); ▪ The direct and indirect effects of the development upon those habitats and species; ▪ Full details of any mitigation or compensation that might be required. 	<p>PEA. Habitats and species present, their status, the potential effects from the IERRT project, and details of mitigation measures have been provided in the PEA.</p>	<p>ES Appendix 6.2 (this PEAR)</p>
<p>PEIR consultation response Feb 2022</p>		<p>There are a number of additional designated sites within proximity to the IERRT project site which may require assessment for potential air quality impacts. Detailed</p>	<p>The air quality assessment considered the potential for construction and operational impacts on the Humber Estuary SAC/ SPA.</p>	<p><u>Construction marine traffic emissions</u> – vessel movements are over 3 km from the nearest sensitive SAC/ SPA habitats and therefore they were scoped out of the modelling as they are outside the zone of influence (see</p>

Consultee	Reference	Comment	Action	Chapter or Section of the ES
		modelling will determine those sites which are relevant to the assessment.		paragraph 13.8.32 in ES Chapter 13 (Air Quality). <u>Construction road traffic emissions</u> – the SAC/ SPA is >200 m from the Affected Road Network (ARN) and therefore no modelling has been undertaken. <u>Onsite operational emissions</u> – modelling presented in Tables 13.15 and 13.16 and supporting text of ES Chapter 13 (Air Quality). <u>Operational road traffic emissions</u> - the SAC/ SPA is >200 m from the ARN and therefore no modelling has been undertaken.
			An air quality assessment has been undertaken for Sites of Special Scientific Interest (SSSI) and Local Wildlife Sites (LWS) identified within the zone of influence.	The results are summarised in Section 3 of this PEAR. <u>Construction marine traffic emissions</u> – no SSSIs or LWSs are within the zone of influence. <u>Construction road traffic emissions</u> – the two LWSs within 1 km of the

Consultee	Reference	Comment	Action	Chapter or Section of the ES
				<p>IERRT project site (Homestead Park Pond LWS and Laporte Road Brownfield Site LWS) are >200 m from the ARN and therefore no modelling has been undertaken with respect to these sites. There are no SSSIs within the zone of influence of the ARN.</p> <p><u>Onsite operational emissions</u> - potential air quality impacts have been assessed in respect of Homestead Park Pond LWS - see Table 13.15 and accompanying text in ES Chapter 13 (Air Quality). There are no SSSIs within the zone of influence.</p> <p><u>Operational road traffic emissions</u> - potential air quality impacts have been assessed in respect of two SSSIs and 14 LWSs identified within 200 m of the ARN - see Table 13.19 and accompanying text in ES Chapter 13 (Air Quality).</p>
		<p>Given the low ecological value of the habitats identified, and the conclusion that the IERRT project site does not support</p>	<p>Noted</p>	<p>-</p>

Consultee	Reference	Comment	Action	Chapter or Section of the ES
		any protected or notable species with the exception of a limited suite of breeding bird species (for which standard pre-construction mitigation measure will be adopted for legislative compliance), terrestrial ecology is scoped out of the EIA.		
		We note that an Extended Phase 1 Habitat survey has been undertaken as part of the Preliminary Ecological Appraisal (PEA), and is detailed in Appendix 6.1 of the PEIR. No further protected species surveys are proposed. Based on the information provided at this stage, Natural England agrees with the conclusions of the PEA.	Noted	Please note that the PEAR is now Appendix 6.2 to the ES.
		We welcome the proposed avoidance/ mitigation measures and pre-construction checks set out in Section 4 of the PEA. Mitigation measures should be	Avoidance and mitigation measures are set out in the Construction Environmental Management Plan (CEMP).	CEMP (Application Document Reference number 9.2)

Consultee	Reference	Comment	Action	Chapter or Section of the ES
		agreed and implemented before construction work begins.		
		Further details of the ecological enhancements that are proposed will be provided as part of the DCO submission and we would welcome inclusion of such detail.	Ecological enhancement measures will be delivered in nearby off-site habitats.	Woodland Enhancement and Management Plan (WEMP) (Application Document Reference number 9.4)
		As a Nationally Significant Infrastructure Project (NSIP), the project does not fall directly within the remit of the national policy requirement within the Environment Bill to deliver 10% BNG. However, the Government has committed to amending the Environment Bill to include mandatory BNG for NSIPs down to mean low water.	Ecological enhancement measures will be delivered in nearby off-site habitats to meet current policy requirements for incorporating biodiversity and ecological enhancements into developments.	WEMP
North Lincolnshire Council Natural Environment	North Lincolnshire Council scoping response	In terms of landscape and terrestrial ecology, the proposal is not likely to have any significant effects of	Noted	-

Consultee	Reference	Comment	Action	Chapter or Section of the ES
Policy Specialist		relevance to North Lincolnshire.		
DFDS Seaways	PEIR consultation response Feb 2022	Impact on air quality and noise from HGVs travelling on local roads, particularly Queens Road, has not been adequately assessed.	<p>An air quality assessment has been undertaken for LWS identified within the zone of influence of the ARN.</p> <p>No ecological features sensitive to the impacts of noise arising from HGV movements have been identified in the PEA and therefore this pathway has not been scoped into the appraisal.</p>	<p><u>Construction road traffic emissions</u> – the two LWSs within 1 km of the IERRT project site (Homestead Park Pond LWS and Laporte Road Brownfield Site LWS) are >200 m from the ARN and therefore no modelling has been undertaken with respect to these sites.</p> <p><u>Operational road traffic emissions</u> - potential air quality impacts have been assessed in respect of two SSSIs and 14 LWSs identified within 200 m of the ARN - see Table 13.19 and accompanying text in ES Chapter 13: Air Quality) .</p>
		Although Biodiversity Net Gain is not yet a legal requirement for DCOs, it is recommended but does not seem to have been addressed.	Ecological enhancement measures will be delivered in nearby off-site habitats to meet policy requirements for incorporating biodiversity and ecological enhancements into developments.	WEMP

Consultee	Reference	Comment	Action	Chapter or Section of the ES
Member of the public response	PEIR consultation response Feb 2022	Important to consider the environmental impacts in an already industrialised area and ensure that wildlife and habitats are protected.	A PEA has been undertaken by an ecologist in accordance with Chartered Institute of Ecology and Environmental Management (CIEEM) guidance (CIEEM, 2017). This PEA underpins the conclusion to scope out terrestrial ecology from the EIA. This approach was confirmed in the Scoping Opinion Response Letter. General mitigation measures for breeding birds, otter, water vole and foraging bats.	ES Chapter 6 (Impact Assessment Approach), Section 6.2 (Scope of assessment) ES Appendix 6.2 (this PEAR)
		Consideration should be given to the impact on wildlife around the A180 and M180 not just the terminal site.	An air quality impact assessment has been undertaken for LWS identified within the zone of influence of the ARN.	<u>Construction road traffic emissions</u> – the two LWSs within 1 km of the IERRT project site (Homestead Park Pond LWS and Laporte Road Brownfield Site LWS) are >200 m from the ARN and therefore no modelling has been undertaken with respect to these sites. <u>Operational road traffic emissions</u> - potential air quality impacts have been assessed in respect of two SSSIs and 14 LWSs identified within 200 m of the ARN

Consultee	Reference	Comment	Action	Chapter or Section of the ES
				- see Table 13.19 and accompanying text in ES Chapter 13 (Air Quality) .
		Suggest planting trees to address the increased traffic, specifically on the A160 and Manby Road.	These areas are outside the ownership of the applicant. No tree planting is proposed.	-
		More mitigation measures should be provided for wildlife, their habitat and the local environment.	Ecological enhancement measures will be delivered in nearby off-site habitats to meet policy requirements for incorporating biodiversity and ecological enhancements into developments.	WEMP
			General mitigation measures for breeding birds, otter, water vole and foraging bats.	ES Appendix 6.2 (this PEAR)
		Very little effect on the environment/ original Greenland.	Noted	-
		Concern raised regarding the impact on wildlife and whether mitigation land will be provided.	Ecological enhancement measures will be delivered in nearby off-site habitats to meet policy requirements for incorporating biodiversity and ecological enhancements into developments.	WEMP

Consultee	Reference	Comment	Action	Chapter or Section of the ES
			General mitigation measures for breeding birds, otter, water vole and foraging bats.	ES Appendix 6.2 (this PEAR)

3. Ecological baseline, constraints and recommendations

Designated sites

Desk study

- 3.1 The desk study identified that the Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest (SSSI) is within the boundary of the marine IERRT project site. These statutory designated sites are considered in the Nature Conservation and Marine Ecology chapter of the ES (Chapter 9) and are therefore not reported on further in this PEAR.
- 3.2 There are no other statutory designated sites within the Desk Study Area.
- 3.3 There are two non-statutory Local Wildlife Sites (LWSs) within the Desk Study Area (see Figure 1). These are:
- Homestead Park Pond LWS – approximately 1 km west; and
 - Laporte Road Brownfield Site LWS – approximately 0.5 km south-east.
- 3.4 The North East Lincolnshire Local Plan shows one Site of Nature Conservation Importance (SNCI) that partially overlaps with the IERRT project site; this site was not included within the desk study data from LERC, however is still shown on the adopted Local Plan Policies map. SNCIs have been superseded by LWSs in the county following publication of the '*Local Wildlife Site Guidelines for Greater Lincolnshire 3rd Edition*⁵' in 2013, which aimed to assess all SNCIs (which were often identified using local knowledge and without consideration of any formal criteria) using a formal set of selection criteria. Consultation with Greater Lincolnshire Nature Partnership (GLNP) has confirmed that the SNCI in question relates to '*Immingham Dock Reedbeds SNCI*', which was previously identified as a site that was good for wildlife, particularly birds. However, following a survey by GLNP in 2015 it was found to not meet the LWS selection criteria and was therefore not recommended for selection as an LWS. On this basis, it is not considered further in this PEAR.

Constraints and recommendations

- 3.5 There is no potential for direct impacts on Homestead Park Pond LWS or Laporte Road Brownfield Site LWS as they are outside the IERRT project site boundary and there is no impact pathway or habitat connectivity between the LWSs and the IERRT project.
- 3.6 The potential for indirect effects on the LWSs due to changes in air quality resulting from emissions from marine and road traffic (during construction and operation), and onsite operational emissions associated with the IERRT project

⁵ Local Wildlife Site Guidelines for Greater Lincolnshire (2013):

have been examined in ES Chapter 13 (Air Quality). The assessment is summarised below:

- The LWSs are not within the zone of influence of construction or operational marine vessel emissions and therefore no air quality modelling was undertaken for the sites.
- The LWSs are greater than 200 m from the construction and operational Affected Road Network (ARN)⁶ and therefore no air quality modelling was undertaken for the sites.
- Modelling of onsite operational emissions to Homestead Park Pond LWS is set out in Table 13.15 and accompanying text in ES Chapter 13 (Air Quality). The air quality modelling predicts there is no exceedance of Critical Loads or Critical Levels for the habitats within the LWS as a result of nitrogen deposition and therefore it is concluded that the LWS will not be adversely affected.

3.7 In addition to the two LWSs identified above, a further 14 LWSs and two SSSIs were scoped into the air quality impact assessment as they are within 200 m of the ARN along sections of the A180, M180 and M18. The air quality assessment concluded that the traffic movements accounted for <1% of the relevant air quality objectives and Critical Loads in terms of nitrogen and acid deposition, and therefore effects on these designated sites are predicted to be negligible. The detailed assessment is presented in Table 13.19 and accompanying text in ES Chapter 13 (Air Quality).

UK Priority Habitats

Desk study

- 3.8 The desk study data received from Lincolnshire Environmental Records Centre (LERC) and reported in the Wold Ecology Ltd PEAR (Section 6.2.5 of Annex C of this PEAR) identified three areas of Priority Habitat listed on the Natural England Priority Habitat Inventory within 2 km of the IERRT project site, which are mapped in Figure 3 of the Wold Ecology Ltd PEA (Annex C). These included the following; lowland meadow habitat approximately 1 km west (within the boundary of Homestead Park Pond LWS), Open Mosaic Habitat (OMH) on Previously Developed Land approximately 0.5 km south-east (within the boundary of Laporte Road Brownfield Site LWS), and three small areas of reedbed (0.1 ha in total) on the drain that runs along the southern and eastern perimeters of the main dock area, and outfalls into the Humber Estuary adjacent to Immingham Oil Terminal immediately east of the IERRT project site.
- 3.9 Following a review of the Natural England Priority Habitat Inventory⁷ and the MAGIC database in December 2021, it is concluded that the GIS data layers provided by LERC are likely out of date as they do not appear on the Natural England or MAGIC mapping. The following potentially relevant UK Priority

⁶ Affected Road Network (ARN) = all roads that trigger the traffic screening criteria and adjoining roads within 200 m.

⁷ Natural England Priority Habitat Inventory:

<https://environment.data.gov.uk/DefraDataDownload/?mapService=NE/PriorityHabitatInventoryNorth&Mode=spatial>

Habitats were subsequently identified within the Desk Study Area using the Natural England Priority Habitat Inventory:

- Good quality semi-improved grassland⁸ (3 ha) - this habitat is along the railway sidings immediately adjacent and to the south of the IERRT project site, and a small portion of the Priority Habitat type is within the boundary of the IERRT project site (approximately 0.2 ha);
- Good quality semi-improved grassland⁵ (10.4 ha) – this is a large field approximately 800 m south of the IERRT project site between Laporte Road and Kiln Lane;
- Deciduous woodland (2.5 ha) - this relates to a narrow strip of woodland ('Long Strip'), part of which lies approximately 150 m south-east of the developed part of the IERRT project site (but is within the IERRT project site boundary due to proposed enhancement/ management (see Section 4 of this PEAR);
- Deciduous woodland (0.9 ha) - this is a small parcel of woodland adjacent to the railway line approximately 1 km west of the IERRT project site; and
- Deciduous woodland (8.7 ha) - woodland parcel approximately 1.8 km north-west of the IERRT project site, on the south side of Manby Road.

Field survey

3.10 Approximately 0.2 ha of 'good quality semi-improved grassland' habitat listed on the UK Priority Habitat Inventory is within the Survey Area, where it overlaps with the southern edge of the IERRT project site (south of Gresley Way). The Extended Phase 1 Habitat survey identified that this area had become relatively overgrown due to natural succession, and the habitat is mapped in Figure 2 (Annex D of this PEAR) as semi-improved grassland with scattered scrub and trees.

Constraints and recommendations

3.11 There is the potential for the IERRT project to result in a small loss of UK Priority Habitat type 'good quality semi-improved grassland' habitat, although the field survey identified that the area of this habitat within the IERRT project site boundary was relatively overgrown with scrub and trees, and it is therefore considered to no longer be representative of this Priority Habitat type as a result of natural succession.

3.12 Potential impacts on Priority Habitats due to changes in air quality resulting from the IERRT project are assessed within the Air Quality chapter of the ES (Chapter 13), although most areas of Priority Habitat are greater than 200 m from the Affected Road Network (ARN), and have therefore been scoped out of the air quality zone of influence. The only Priority Habitat potentially within the zone of influence of changes in air quality resulting from increased vehicle movements associated with the ARN is the deciduous woodland 'Long Strip', which is close to the A1173 Queens Road. This area of Priority Habitat was scoped into the air quality assessment, which concluded that increased vehicle movements accounted for <1% of the relevant air quality objectives and critical

⁸ NB. this habitat is listed as 'UK Priority Habitat (Non Priority)' in the MAGIC database layer.

loads in terms of nitrogen and acid deposition, and therefore effects on the woodland habitat are predicted to be negligible. The detailed assessment is presented in ES Chapter 13 (Air Quality).

- 3.13 In addition to the Priority Habitats identified above, a further three Ancient Woodlands were scoped into the air quality impact assessment as they are within 200 m of the ARN on sections of the M180 and M18. The air quality assessment concluded that the traffic movements accounted for <1% of the relevant air quality objectives and critical loads in terms of nitrogen and acid deposition, and therefore effects on the Ancient Woodlands are predicted to be negligible. The detailed assessment is presented in ES Chapter 13 (Air Quality).
- 3.14 Changes in air quality resulting from emissions from increased vessel movements were also assessed in respect of Priority Habitats, the nearest of which to the estuary is the woodland at 'Long Strip'. The assessment concluded that there would be no adverse effects on this habitat resulting from the increase in vessel movements at the IERRT (see Chapter 13 (Air Quality)).

Habitats

Field survey

- 3.15 The IERRT project site is located within the boundary of the Port of Immingham complex in an industrialised location on the bank of the Humber Estuary. The Humber Estuary lies to the north of the landside IERRT project site. A description of the broad areas within the landside IERRT project site is provided below:
- Northern area - this part of the Survey Area is bounded to the north by the Humber Estuary, to the south and west by industrial areas within the port, and to the east by an Habrough Marsh Drain that flows north-south and outfalls into the Humber Estuary.
 - Southern area – this part of the Survey Area is bounded to the north and west by industrial areas within the port, and to the south and east by a freight railway line serving the port.
- 3.16 The northern parts of the Survey Area are entirely within hardstanding currently in operational usage for port-related storage with a number of occupied warehouse and office buildings in the northern area (see Annex E of this PEAR, photographs 1, 2 and 4). At the time of the survey in October 2021 some of these areas had standing surface water following recent heavy rainfall. These areas are of negligible ecological value and are not considered further.
- 3.17 Vegetated parts of the southern part of the Survey Area are sparse given the regular disturbance to the areas as part of the ongoing operational port usage. In areas where crushed stone, damaged tarmac and railway ballast occur across large parts of the IERRT project site, ephemeral/ short perennial vegetation has become established (see Annex E of this PEAR, photograph 3).
- 3.18 Areas of semi-improved grassland and tall ruderal stands have also become established in undisturbed areas of the IERRT project site. Grassland areas were dominated by species such as cock's-foot (*Dactylus glomerata*), creeping bent (*Agrostis stolonifera*) and false-oat grass (*Arrhenatherum elatius*), with

stands of common reed (*Phragmites australis*). A small proportion of this habitat is within the boundary of the UK Priority Habitat type ‘good quality semi-improved grassland’ on the Natural England Priority Habitat Inventory.

- 3.19 There are occasional dense stands of scrub vegetation dominated by hawthorn (*Crataegus monogyna*) with bramble (*Rubus* spp.) in unused parts of the IERRT project site. A small number of scattered mature trees are present along the boundaries of the IERRT project site with species recorded including Lawson cypress (*Chamaecyparis lawsoniana*), silver birch (*Betula pendula*), grey poplar (*Populus alba x tremula*), London plane (*Platanus x acerifolia*), balsam poplar cultivar (*Populus candicans*) and goat willow (*Salix caprea*).
- 3.20 An appraisal of the habitats in the southern and northern Survey Areas was undertaken by Wold Ecology Ltd and is presented in this PEAR in Annex C. None of the habitats recorded within the Survey Area met the criteria for definition as a UK Priority Habitat.
- 3.21 Detailed habitat descriptions are provided in the Wold Ecology Ltd PEAR, provided as Annex C. In summary, Table 2 below details the habitats that were recorded on the IERRT project site.

Table 2. Summary of Habitats on the IERRT project site

Habitat Type	Summary	Approximate Area
Bare ground, hardstanding, buildings and spoil	This habitat dominates the northern and eastern portions of the Survey Area, where the land has been used/ is in use for bulk materials storage. There are a number of occupied warehouses and office buildings on the northern portion of the Survey Area, with associated hard standing storage and car parking areas, as well as surfaced roads.	14.2
Scrub (dense/continuous) and young woodland	Occurs in isolated locations within the Survey Area, where it forms dense impenetrable stands. It is a successional habitat within the Survey Area, having developed through the lack of disturbance to these areas. Some evidence of later succession to woodland is present in the eastern part of the southern Survey Area.	0.2
Scattered trees (mixed)	A small number of scattered trees occur within the Survey Area comprising a mixture of deciduous and coniferous species; they are a mixture of both naturally regenerated species associated with undisturbed scrub and marginal habitats, together with some planted specimens around the port access roads.	N/A
Semi-improved grassland	Occasionally present in marginal areas subject to limited disturbance where grassland habitat has been able to become established. In these areas a mosaic of rough grassland,	0.4

Habitat Type	Summary	Approximate Area
	tall ruderal and some scattered scrub is present.	
Open standing water	There is one area of standing water within the Survey Area; this is a small linear sump running beneath the rail line in the south-east corner. There is little open water and it is heavily shaded and overgrown with common reed.	0.03
Running water	Small drainage ditch linking to Habrough Marsh Drain, and Habrough Marsh Drain itself, which flows in a northerly direction and outfalls into the estuary.	0.04
Amenity grassland	A small amount of maintained road verge habitat is present in the north-east corner of the southern Survey Area, along the main access road to the port. This is species-poor grassland dominated by perennial ryegrass (<i>Lolium perenne</i>) and annual meadow-grass (<i>Poa annua</i>) with a number of ruderal species.	0.8
Tall ruderal	Common around internal access roads in the port, where it comprises unmanaged verges that have developed into tall herb habitats dominated by species such as willowherb, dock and common nettle.	0.5
Ephemeral/ short perennial	Large expanses of the southern part of the Survey Area comprise a sparse covering of pioneer vegetation communities (typically less than five years old), which have established on a compacted crushed stone/ aggregate substrate. Vegetation growth is very sparse and covers <20% of the area. This area has been used for vehicle storage since it was created in <i>circa</i> 2007, although the lack of use in recent years has enabled a sparse covering of vegetation to become established.	17.6
Broad-leaved woodland	Band of mature woodland ('Long Strip') dominated by oak (<i>Quercus robur</i>) and ash (<i>Fraxinus excelsior</i>) forming a relatively closed canopy with a sparse species-poor understory of hawthorn (<i>Crategeus monogyna</i>), bramble (<i>Rubus fruticosus</i> agg.) and elder (<i>Sambucus nigra</i>).	1.2

Constraints and recommendations

3.22 Most of the landside IERRT project footprint is within the operational areas of the port that are currently in use for bulk storage of materials and associated offices and consequently comprise hardstanding with no semi-natural habitats. These areas are of negligible ecological value. Improvements to internal port

road junctions will result in the loss of some young roadside sycamore, silver birch and whitebeam trees within the port estate at the Robinson Road/ East Dock Road junction.

- 3.23 An assessment of the ephemeral/ short perennial habitat within the southern area of the Survey Area against Department for the Environment, Food and Rural Affairs (DEFRA) criteria for 'Open Mosaic Habitats on Previously Developed Land'⁹ concluded that the Survey Area did not meet the definition for this UK Priority Habitat type (see Annex C). This is due to the lack of spatial variation in topography, it being a relatively homogenous habitat rather than a diverse mosaic of habitat communities, and the lack of a diverse botanical assemblage to provide nectar resources for invertebrates. This is likely to be as a result of its relatively recent creation (the area was created following building demolition around four years ago), and therefore the pioneer communities are at a very early stage of establishment, as well as the regular disturbance of this habitat as part of its ongoing usage for vehicle storage.
- 3.24 Brownfield habitat is listed on the Lincolnshire Biodiversity Action Plan (BAP)¹⁰ as a target for biodiversity conservation, although there are no specific criteria in the local context to determine whether the habitats within the Survey Area meet the Lincolnshire BAP definition for 'brownfield' habitat. On the basis that the habitat does not meet the UK Priority Habitat criteria for Open Mosaic Habitat on Previously Developed Land, which underpins the Lincolnshire BAP Brownfield habitat category, it is concluded that the habitat within the Survey Area would not meet the definition for Lincolnshire BAP brownfield habitat.
- 3.25 There is the potential for the IERRT project to result in a small loss (approximately 0.2 ha) of UK Priority Habitat type 'good quality semi-improved grassland', which is mapped on the Natural England Priority Habitat Inventory; however, the grassland in this location is overgrown with scrub and trees and is not considered representative of this habitat type due to natural succession.
- 3.26 The mature woodland at Long Strip will not be impacted by the IERRT project but will be subject to enhancement and long-term management works (see Section 4.2 of this PEAR), and therefore has been included within the IERRT project site boundary for the purposes of the Development Consent Order (DCO).

Badger

Desk study

- 3.27 The desk study returned records of badger (*Meles meles*) within 2 km of the IERRT project site. The location of the badger records is not presented within this report in compliance with best practice to help avoid illegal persecution of the species.

⁹ UK Biodiversity Action Plan Priority Habitat Descriptions (Defra, 2009): <https://data.jncc.gov.uk/data/a81bf2a7-b637-4497-a8be-03bd50d4290d/UKBAP-BAPHabitats-40-OMH-2010.pdf>

¹⁰ Lincolnshire Biodiversity Action Plan 2011-202 3rd Edition:
<http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=7371&p=0>

Field survey

- 3.28 No evidence of badger presence (e.g. setts, latrines, badger diggings) was recorded within the Survey Area.
- 3.29 The areas of denser scrub within the southern part of the Survey Area could not be extensively inspected due to the impenetrable stands of bramble and hawthorn; however, it is reasonable to assume that other signs of badger activity would have been recorded within the Survey Area should badgers have been present. No such other signs of badger activity were found. The Survey Area is also relatively constrained within an operational port environment, and although there is some connectivity to habitats in the wider local area via the adjacent rail network, the Survey Area represents poor quality foraging habitat for badger. On this basis, it is therefore reasonable to conclude that badgers are likely to be absent from the Survey Area and will not be affected by the IERRT project.

Constraints and recommendations

- 3.30 Given the limitations identified above in respect of the difficulties in surveying the areas of dense bramble and hawthorn scrub within the southern part of the Survey Area for the presence of badger setts, it is recommended that vegetation clearance within these areas should proceed with caution. Although considered unlikely, if any badger setts are identified within these areas, clearance works should be suspended within an appropriate exclusion zone (at least 30 m) and the advice of an ecologist sought on how to proceed.
- 3.31 If an active badger sett is confirmed as present, a licence from Natural England may be required to disturb or destroy the sett (licences are only issued for sett closure between June and November, inclusive).

Bats

Desk study

- 3.32 The desk study returned records of brown long-eared bat (*Plecotus auritus*), noctule (*Nyctalus noctula*) and common pipistrelle (*Pipistrellus pipistrellus*) within 2 km of the IERRT project site.
- 3.33 There were no records of Natural England European Protected Species Mitigation (EPSM) licences for bats on the MAGIC website within 1 km of the IERRT project site.

Field survey

- 3.34 The limited number of buildings and mature trees within the Survey Area were subject to a Preliminary Roost Features (PRF) appraisal for their potential to support roosting bats. A summary of this appraisal is provided below:
- Trees – none of the trees within the Survey Area were considered to be sufficiently mature to provide potential roosting crevices for roosting bats;
 - Buildings – none of the occupied office buildings and warehouses present in the northern part of the Survey Area were considered to provide potential roosting opportunities for bats; and

- Water tower – no gaps in the framework or skin of the water tank were observed that could provide potential access/ egress points for bats.

3.35 The Survey Area is exposed and dominated by open bare ground, spoil heaps or smaller patches of grassland/ scrub within an operational port location and is therefore mostly sub-optimal for foraging and commuting bats. There are some areas of scrub/ woodland and grassland habitat towards the eastern boundary of the Survey Area, as well as beyond the boundary associated with the railway line that wraps around the southern and eastern boundaries of the port, that may provide foraging/ commuting habitat for bats in the wider local area.

Constraints and recommendations

3.36 There is the potential for lighting associated with the IERRT project to result in disturbance to, or displacement from the IERRT project site of, foraging and commuting bats. However, the IERRT project site is already lit at night due to ongoing operational usage, with several tall lighting columns present in the southern Survey Area and around the internal road network. Additional lighting resulting from the construction of the IERRT project is therefore unlikely to substantially alter the lighting regime within the Survey Area, particularly given its location within a port environment that is lit at night and operates 24 hours a day. It is therefore concluded that there is negligible risk of disturbance or displacement of bats if they were to be using the more mature areas of grassland, scrub and woodland along the railway corridor, which wraps around the southern and eastern boundaries of the Survey Area.

3.37 Regardless of this, even if there were some displacement of foraging/ commuting bats from within the Survey Area boundary as a result of construction and operation of the IERRT project, it is reasonable to assume that this would only impact small numbers of common species of bats given the relatively exposed estuarine location of the Survey Area. Any loss of foraging/ commuting habitat would therefore not be considered integral to the maintenance of the favourable conservation status of any local bat populations.

3.38 The mature woodland at Long Strip provides opportunities for foraging and potentially roosting bats, although will not be directly impacted by the IERRT project and is only included within the IERRT project site boundary because it will be enhanced and managed to improve its biodiversity. Further surveys of the woodland for bats are therefore not necessary to inform the DCO but may be required in the future as part of the planned woodland management/ enhancement (these requirements are set out in the WEMP document).

Great crested newt

Desk study

3.39 The desk study returned no recent (i.e. post-2010) records of great crested newt (GCN) (*Triturus cristatus*) within 2 km of the IERRT project site.

3.40 There are no Natural England environmental DNA (eDNA) records within 2 km of the IERRT project site.

3.41 There are no records of Natural England European Protected Species Mitigation (EPSM) licences for GCN on the MAGIC website within 1 km of the IERRT project site.

Field survey

3.42 There is one pond within the Survey Area; this is a small sump beneath the railway line (Pond 1 – see Figure 1 in Annex D)). A Habitat Suitability Index (HSI) assessment undertaken of this pond scored 0.58 which is below average suitability for GCN (see Annex C of this PEAR). Although HSI cannot be used to conclusively confirm or rule out the presence of GCN, the following factors mean that it is unlikely to support GCN:

- The pond is likely to be subject to fluctuations in water levels and appears likely to regularly dry out in the summer months before GCN complete their breeding cycle (the species requires water in ponds until August to support the aquatic larval stage);
- Water quality is likely to be poor as a result of inputs from adjacent industrialised areas and the nearby adjacent railway line;
- There are no other ponds suitable for GCN within the Survey Area or within 250 m¹¹ that may support a breeding GCN population;
- Terrestrial habitat within the Survey Area is generally of low suitability for GCN being dominated by open bare ground habitats that do not provide opportunities for foraging or shelter; and
- There are no records of this species within 2 km of the Survey Area that would indicate locally occurring GCN populations.

3.43 On this basis it is concluded that GCN is likely absent from Pond 1.

3.44 There are seven waterbodies within approximately 250 m of the Survey Area; these are all process lagoons within the boundaries of the various operational industrial sites within the wider port complex. A summary of the lagoons and their locations relevant to the IERRT project site is provided in Table 3 of this PEAR. They are considered unsuitable for GCN for the following reasons:

- They are steep-sided concrete structures with vertical banks and raised edges making it difficult for GCN to access/ egress;
- The water they contain is used for industrial processes with the result that these waterbodies are subject to fluctuations in water levels (particularly L7, which is a drainage sump that is regularly pumped out to the Estuary);
- Water quality is likely to be poor (and in the case of L5 and L6, highly alkaline and therefore unsuitable for amphibians);
- The habitat surrounding the lagoons is generally within hard standing and buildings that provide no foraging opportunities for GCN; and
- There are no records of GCN within 2 km of the Survey Area that would indicate locally occurring GCN populations.

¹¹ 250 m is the typical terrestrial range of GCN from their breeding ponds (English Nature (2001) *Great Crested Newt Mitigation Guidelines*. English Nature (now Natural England), Peterborough)

3.45 On this basis it is concluded that GCN is likely absent from these lagoons.

Table 3. Summary of Waterbodies within approximately 250 m of the IERRT project site

Pond Reference	OS Grid Reference	Approximate Distance from the IERRT project site	Type of Waterbody¹²
L2	TA 2102 1545	250 m east	Lined square process lagoon within oil storage site.
L3	TA 2113 1554	250 m east	Large lagoon alongside flood embankment linked to oil storage site. Although >250 m from the IERRT project site, it has been included on the basis that it is immediately adjacent to L2.
L4	TA 2091 1564	100 m east	Large lined rectangular process lagoon within oil storage site.
L5	TA 2009 1554	130 m north	Small square external storage lagoon for liquid fertiliser (liquid urea-ammonium nitrate (UAN), or similar).
L6	TA 2005 1547	70 m north	External storage lagoon for or liquid fertiliser (liquid urea-ammonium nitrate (UAN), or similar).
L7	TA 1938 1565	Adjacent	Small vertical-sided concrete lined drainage sump off Gresley Way, draining surface water from the fertiliser terminal which is regularly pumped out to the Estuary.
L8	TA 2050 1570	Adjacent	Small process lagoon in operational site

Water vole

Desk study

3.46 The desk study returned records of water vole (*Arvicola amphibius*) within 2 km of the IERRT project site.

Field survey

3.47 Habrough Marsh Drain runs along the southern and eastern boundaries of the landside IERRT project site and drains into the Estuary TA 207 157. This watercourse has a gravity outfall to the estuary, which can be managed during flood events/ high tides, by opening a sluice gate to allow water to enter the

¹² From a review of aerial photography, unless otherwise stated.

pumped drainage system. It is therefore assumed that there is likely to be some saline influence on the drain, at least at its northernmost reaches.

- 3.48 The ditch was not accessible for the purposes of Phase 1 Habitat survey as it is deep and steep sided, with dense hawthorn scrub to the margins. However, it is possible that the watercourse could support water vole, particularly given that there are records in the Desk Study Area.
- 3.49 The unnamed drains that run adjacent to other parts of the IERRT project site boundary could provide suitable habitat for water vole. However, as these are outside the IERRT project site, they are not considered further.

Constraints and recommendations

- 3.50 There will be no impacts on the western bank of Habrough Marsh Drain associated with surface water drainage into the watercourse from the northern part of the landside IERRT project site, because the existing outfalls (and associated headwalls) will be used.

Otter

Desk study

- 3.51 The desk study returned records of otter (*Lutra lutra*) within 2 km of the IERRT project site.

Field survey

- 3.52 As discussed above in respect of water vole, Habrough Marsh Drain runs along the southern and eastern boundaries of the IERRT project site and drains into the estuary TA 207 157. Although not accessible for the purposes of Phase 1 Habitat survey, it is possible that this watercourse could support otter, particularly given that there are records in the Desk Study Area.
- 3.53 The unnamed drains that run adjacent to other parts of the IERRT project site boundary could provide suitable habitat for otter.

Constraints and recommendations

- 3.54 As discussed above in respect of water vole, there will be no impacts on the western bank of Habrough Marsh Drain because the surface water drainage from the northern part of the landside IERRT project site will simply be connected to the two existing surface water drainage outfalls (and associated headwalls) into the watercourse. However, construction disturbance
- 3.55 There is a risk of indirect disturbance to otter due to noise and lighting during construction and operation. However, given that the areas within IERRT project site boundary and adjacent to Habrough Marsh Drain are already in use for the storage of bulk materials and vehicles, and are within the operational port area, it is reasonable to assume that any otters using Habrough Marsh Drain and other unnamed drains adjacent to the IERRT project site are habituated to noise and lighting associated with ongoing operational port usage in these areas. It is therefore concluded that there will be negligible disturbance to

foraging/ commuting otters using Habrough Marsh Drain and other unnamed drains adjacent to the IERRT project site.

Reptiles

Desk study

3.56 The desk study returned no records of reptiles within 2 km of the IERRT project site.

Field survey

3.57 There is some suitable potential habitat for reptiles within the southern part of the Survey Area, although this is limited to the edges of the developing scrub/ woodland that provides limited areas of habitats for foraging, basking and refuge. However, given the nature of the IERRT project site being largely open, exposed and unvegetated habitat within an operational port, it is reasonable to conclude that reptiles are likely absent from the Survey Area. This species is therefore not considered further in this report.

Breeding birds (Schedule 1)

Desk study

3.58 The desk study returned records of the Schedule 1 species peregrine (*Falco peregrinus*) and little ringed plover (*Charadrius dubius*) within 2 km of the IERRT project site.

Field survey

3.59 The only potentially suitable nesting habitat for peregrine within the Survey Area is the water tower; however, an inspection of the tower in July 2021 when breeding activity would reasonably be expected to be recorded should peregrine be nesting on the water tower, did not observe any evidence of this species. It is therefore reasonable to conclude that nesting peregrine is currently absent from the Survey Area.

3.60 There is abundant suitable habitat for the ground nesting little ringed plover within the Survey Area, particularly in the southern area which is dominated by the bare ground habitat that this species prefers. However, regular disturbance of the habitat as part of ongoing port use is likely to constrain the opportunities for this species to successfully breed within the Survey Area, depending on the level/ extent of usage in any given year.

Constraints and recommendations

3.61 The bare ground habitat within the southern part of the Survey Area (car storage area) has been identified as potentially suitable for nesting little ringed plover. This species is reported to be a 'scarce summer visitor and passage migrant' (averaging one to nine records/ breeding pairs per year) in the

Lincolnshire Bird Atlas¹³. The Atlas notes that numbers vary annually with the highest recently being three pairs in 2017.

- 3.62 The bare ground habitats present within the southern Survey Area provide potential nesting opportunities for the Schedule 1 species little ringed plover. This area is subject to regular disturbance as part of its current usage for car storage. It is therefore considered unlikely that little ringed plover would successfully breed within the Survey Area if it is in operational use within the breeding season (egg laying for this species typically occurs in late April/ early May and continues through until July).
- 3.63 Given the abundance of suitable habitat for little ringed plover in the southern part of the Survey Area, peripheral and/ or less regularly disturbed areas may be used. The likelihood of breeding success by this species within the Survey Area may therefore change depending on the extent to which this area is used for vehicle/ materials storage in any given year. However, the habitats on the IERRT project site are unlikely to be used by anything other than occasional pairs of little ringed plover depending on the usage of the IERRT project site in any given year at the start of the breeding season, particularly given the scarcity of records of breeding pairs of this species in Lincolnshire⁹.
- 3.64 Little ringed plover is afforded additional protection under the Wildlife and Countryside Act 1981 (as amended) through its inclusion in Schedule 1. It is an offence to disturb a Schedule 1 species whilst it is on or near a nest, or to disturb dependent young. It is therefore recommended that works within the southern area of the IERRT project site (i.e. all works on the crushed aggregate area) commence prior to the start of the breeding bird season, so that little ringed plover is deterred from attempting to nest. If this is not possible, it is recommended that temporary bird deterrent measures (e.g. canes/ bright tape) are installed before the onset of the breeding bird season to deter nesting activity.
- 3.65 If it is not possible/ feasible to either time the commencement of works or install bird deterrent measures, the construction area should be checked for the presence of nesting little ringed plover by an ecologist prior to the commencement of construction. Where occupied nests are present, an appropriate exclusion zone should be set up around the nest (at least 10 m) and no works progressed in the exclusion zone until any young have fledged.
- 3.66 The water tower will not be directly impacted by the IERRT project. As a precaution, a check of the water tower prior to the commencement of works (where works are due to commence within the period February to July) for the presence of nesting peregrine should be undertaken, to address the low risk of disturbance during construction.

Breeding birds (non-Schedule 1)

Field survey

- 3.67 Several bird species were recorded incidentally during the Phase 1 habitat survey in July 2021 and may be breeding within the scrub/ early successional woodland within Survey Area. These included common resident woodland

¹³ Casey, C., Clarkson, J.R., Espin, P., & Hyde, P.A. (2021). The Birds of Lincolnshire. Lincolnshire Bird Club. Louth

species including blackbird (*Turdus merula*), robin (*Erithacus rubecula*) and woodpigeon (*Columba palumbus*), as well as the passage migrant species whitethroat (*Sylvia communis*) and chiffchaff (*Phylloscopus collybita*). However, given the limited extent of suitable scrub/ woodland habitat within the Survey Area, this is likely to be limited to small numbers of breeding pairs.

- 3.68 Buzzard (*Buteo buteo*), kestrel (*Falco tinnunculus*), sparrowhawk (*Accipiter nisus*) and marsh harrier (*Circus aeruginosus*) were recorded flying over the Survey Area during the Phase 1 habitat survey in July 2021, but there is no suitable breeding habitat for these species within the Survey Area.

Constraints and recommendations

- 3.69 The IERRT project will result in the loss of scrub/ young woodland within the peripheral areas of the IERRT project site that may support small numbers of breeding pairs of common resident and passage woodland bird species.
- 3.70 All birds are protected once nesting by the Wildlife and Countryside Act 1981 (as amended) and it is an offence to damage/ destroy an occupied bird's nest. Therefore, vegetation clearance (scrub and trees) should be undertaken outside the breeding bird season where possible (i.e. avoiding the period March to August, inclusive). If this is not possible, vegetation should be checked for the presence of occupied nests by an ecologist prior to removal. Where occupied nests are present, an appropriate exclusion zone should be set up around the nest (at least 2 m) and no works progressed in the exclusion zone until any young have fledged.

Invertebrates

Desk study

- 3.71 There were no records of rare or notable invertebrate species returned by the desk study.

Field survey

- 3.72 Habitats within the Survey Area provide limited nectar resources for invertebrates due to the abundance of fine-leaved grasses overlaying crushed concrete/ rubble, the poor diversity of flowering plant species and a lack of different niche habitats to provide a variety of ecosystems for species of invertebrates.

Constraints and recommendations

- 3.73 Ecological enhancements to be delivered within the woodland habitat at Long Strip (see Section 4 of this PEAR) should increase opportunities for invertebrates by creating botanically species-rich habitats and refuges such as log piles to increase the ecological niches available for invertebrate species.

Invasive non-native plant species

- 3.74 No records of non-native invasive species of plant such as Japanese knotweed (*Fallopia japonica*) were returned in the desk study data search, and no such species were recorded within the Survey Area.

Summary

3.75 A summary of the baseline ecology features identified as relevant to the Survey Area is provided in Table 4 below.

Table 4. Summary of Ecology Baseline

Ecology Feature	Desk Study Records	Relevance to Survey Area
Statutory Designated Sites	Humber Estuary SPA/ SAC/ Ramsar/ SSSI adjacent to the IERRT project	N/A – considered within Nature Conservation and Marine Ecology Chapter of ES (Chapter 9)
Non-statutory Designated Sites	Homestead Park Pond LWS	Approximately 1 km west No habitat connectivity to the Survey Area and outside zone of influence
	Laporte Road Brownfield Site LWS	Approximately 0.5 km south-east No habitat connectivity to the Survey Area and outside zone of influence
UK Priority Habitats ¹⁴	Good quality semi-improved grassland	Approximately 3 ha mapped on railway sidings adjacent to southern area boundary, of which a small area (approximately 0.2 ha) is within the IERRT project site boundary. Large field between Laporte Road and Kiln Lane (approximately 0.8 km south) has no habitat connectivity to the Survey Area and is outside the zone of influence.
	Deciduous woodland	Will not be adversely affected by the proposed development of the IERRT project. However, the southern section of ‘Long Strip’ woodland is included within the IERRT project site boundary for long-term enhancement/ management. Two other parcels of woodland 1 km and 1.8 km from the IERRT project site respectively are likely outside the zone of influence.
Habitats	N/A	No habitats meeting UK Priority Habitat definitions present within Survey Area. Small area (approximately 0.2 ha) of grassland, scrub and trees within the southern area (within the IERRT project site boundary) is mapped on the Natural England Priority Habitat Inventory as ‘good quality semi-improved grassland’, but is considered

¹⁴ From Natural England Priority Habitat Inventory: <https://environment.data.gov.uk/DefraDataDownload/?mapService=NE/PriorityHabitatInventoryNorth&Mode=spatial>

Ecology Feature	Desk Study Records	Relevance to Survey Area
		<p>to no longer meet this habitat type definition as a result of natural succession.</p> <p>Majority of habitats within Survey Area comprise hardstanding in operational port use for bulk and other materials storage.</p> <p>More diverse habitat assemblage in southern part of Survey Area, where early pioneer communities have established on crushed aggregate used for car storage.</p> <p>Some limited areas of more well-established scrub and early successional woodland in undisturbed areas in eastern part of southern area.</p>
Badger	Records within 2 km	No evidence of species recorded within the Survey Area and concluded to be likely absent
Bats	Several species recorded within 2 km	<p>No potentially suitable roost habitat in the Survey Area</p> <hr/> <p>Majority of Survey Area is sub-optimal for foraging bats due to presence of large areas of open bare ground.</p> <p>Limited foraging opportunities associated with more mature grassland, scrub and woodland in eastern part of Survey Area, and along railway line adjacent to southern and eastern boundary.</p>
Great crested newt	No records within 2 km	Likely absent from Survey Area.
Water vole	Recorded within 2 km	<p>May be present on Habrough Marsh Drain.</p> <p>May be present on adjacent drains.</p>
Otter	Recorded within 2 km	<p>May be present on Habrough Marsh Drain.</p> <p>May be present on adjacent drains.</p>
Reptiles	No records within 2 km	Likely absent from Survey Area.
Breeding birds	Schedule 1 species peregrine recorded within 2 km	No evidence of nesting in Survey Area.
	Schedule 1 species little ringed plover	Suitable potential habitat in Survey Area.

Ecology Feature	Desk Study Records	Relevance to Survey Area
	recorded within 2 km	
	Non-Schedule 1 species	Common breeding birds likely to breed in less disturbed areas of the Survey Area.
Invertebrates	No records.	Habitat within Survey Area is unlikely to support a high diversity of invertebrate species, or any rare or notable species.
Invasive non-native plant species	No records	Not recorded in Survey Area.

Further surveys

3.76 No further surveys are recommended, with exception to the pre-commencement checks for the following species prior to site clearance works during construction:

- nesting birds (if required) - in scrub/ trees (see paragraph 3.72 above), bare ground habitat for little ringed plover (see paragraph 3.67 above) and the water tower for peregrine (see paragraph 3.68 above); and
- badger on the main site area (see paragraph 3.30 above).

4. Mitigation and ecological enhancement

Mitigation

4.1 A summary of the mitigation requirements is provided in Table 5 below.

Table 5. Ecological Mitigation

Ecology Feature	Mitigation	Timing
Badger	Precautionary check of dense scrub for badger setts during vegetation clearance. If setts are uncovered, works should be suspended, and the advice of an ecologist sought.	Year round
Breeding birds: Schedule 1 species - little ringed plover	Commence site clearance works in southern area prior to onset of nesting bird season where possible or install bird deterrent measures to discourage nesting.	September – February
	Where the above cannot be accommodated, a pre-construction check for nests should be undertaken and an appropriate exclusion zone set up around any active nests.	March – August
Breeding birds: Schedule 1 species – peregrine	Precautionary pre-construction check of water tower for evidence of nesting activity.	February – July
Breeding birds: non-Schedule 1 species	Removal of vegetation outside breeding bird season where possible.	September – February
	Where vegetation removal cannot be accommodated outside the breeding bird season, it should be checked for the presence of nests prior to removal and an appropriate exclusion zone set up around any active nests.	March – August

Ecological enhancements

- 4.2 There are limited opportunities to deliver ecological enhancements within the IERRT project development area due to it being within an operational port environment and thus mostly hardstanding/ buildings. However, an off-site area of Priority Habitat (broad-leaved woodland) at Long Strip is within the ownership of the applicant (ABP) and will be subject to enhancement works and long-term management to improve its structure, function, and the range of ecosystems it provides. This woodland is just outside the operational port area off Laporte Road, approximately 300 m south-east of the IERRT project development area, and has been included in the IERRT project site for the purposes of the DCO.
- 4.3 A WEMP has been prepared to set out the enhancement works, management objectives and monitoring programme for the southern section of the woodland. In summary this includes:
- Targeted scrub/ understory clearance to open up the canopy and create 'glades' to encourage the creation of a more diverse woodland ground flora;
 - Creation of log and brash pile refuges to create ecosystems for species such as terrestrial invertebrates and amphibians;
 - Installation of bat boxes to provide more opportunities for roosting bats within the woodland; and
 - Installation of bird nest boxes to provide opportunities for a range of nesting bird species.

Annex A Wildlife Legislation & Policy

A.1 Legislation

The UK is no longer a member of the European Union (EU). EU legislation as it applied to the UK on 31 December 2020 is now a part of UK domestic legislation. EU legislation which applied directly or indirectly to the UK before 11.00 p.m. on 31 December 2020 has been retained in UK law as a form of domestic legislation known as ‘retained EU legislation’.

The Secretary of State for the Environment, Food and Rural Affairs and Welsh Ministers have made changes to parts of the *Conservation of Habitats and Species Regulations 2017* (referred to as the 2017 Regulations) so that they operate effectively. Most of these changes involve transferring functions from the European Commission to the appropriate authorities in England. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

Two years after it was first introduced in October 2019, the UK Government's Environment Bill received Royal Assent on Tuesday 9th November 2021. The Bill was introduced to support the Government's overarching vision for leaving the environment in a better state for the next generation, including transposing elements of the UK Government's 25 Year Environment Plan into statute and confirming the UK's approach to environmental governance post-Brexit.

Designated sites

Special Protection Areas (SPA) / Special Areas of Conservation (SAC)

These sites in the UK no longer form part of the EU's Natura 2000 ecological network. The *Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019* (referred to as the 2019 Regulations) have created a national site network on land and at sea, including both the onshore and offshore marine areas in the UK. The national site network includes:

- Existing SACs and SPAs; and
- New SACs and SPAs designated under these Regulations.

Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new national site network.

Formal Appropriate Assessment is required to be undertaken by the competent authority before undertaking, or giving consent, permission or other authorisation for any work which is likely to have a significant effect on such a site.

Sites of Special Scientific Interest

Under the *Wildlife and Countryside Act 1981* (as amended), it is an offence to carry out or permit to be carried out any operations likely to damage the Site of Special Scientific Interest (SSSI). These operations are listed in the SSSI notification.

Owners, occupiers, public bodies and statutory undertakers must give notice and obtain the appropriate consent under S.28 of the *Wildlife and Countryside Act 1981* (as amended), before undertaking operations likely to damage a SSSI.

Locally designated sites

County Wildlife Sites (CWS) are sites with ‘substantive nature conservation value’. They are defined areas, identified and selected for their nature conservation value, based on important, distinctive and threatened habitats and species with a region.

They are usually selected by the relevant Wildlife Trust, along with representatives of the local authority and other local wildlife conservation groups.

The CWS selection panel select all sites that meet the assigned criteria, unlike SSSIs, which for some habitats are a representative sample of sites that meet the national standard. Consequently, many sites of SSSI quality are not designated and instead are selected as CWSs. Consequently, CWSs can be amongst the best sites for biodiversity.

Protected species

Bats/ otter/ great crested newt/ smooth snake/ sand lizard

These species, known as European Protected Species, are protected under Regulation 43 of the 2017 Regulations as amended by the 2019 Regulations. This makes it an offence to deliberately capture, injure or kill an animal; deliberately disturb an animal; or damage or destroy a breeding site or resting place used by an animal.

Deliberate capture or killing is taken to include “accepting the possibility” of such capture or killing. Deliberate disturbance of animals includes in particular any disturbance which is likely a) to impair their ability (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of hibernating or migratory species, to hibernate or migrate; or b) to affect significantly the local distribution or abundance of the species to which they belong.

Where development works are at risk of causing one or more of the offences listed above, a mitigation licence from Natural England can be obtained to facilitate the works that would otherwise be illegal.

These species are also protected under Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended). This makes it an offence to intentionally or recklessly obstruct access to any structure or place used for shelter or protection or disturb an animal in such a place.

Lower levels of disturbance not covered by the *Conservation of Habitats and Species Regulations 2017* remain an offence under the *Wildlife and Countryside Act 1981* although a defence is available where such actions are the incidental result of a lawful activity that could not reasonably be avoided.

Water vole

Water voles are protected under the *Wildlife and Countryside Act 1981* (as amended). There are no licensing purposes that explicitly cover development or other construction activities which could have an impact on water voles.

When development work is proposed in or near an area which is either known to or likely to contain water voles, then the developer will need to implement suitable mitigation to prevent impacts to water voles. The preferred mitigation option is to

leave water voles *in situ*, with the development works adopting avoidance measures through redesign of the proposals.

Where impacts cannot be avoided, operations aimed at displacing water voles from a development site are now no longer covered by the “*incidental result of an otherwise lawful action*” defence in the *Wildlife and Countryside Act 1981* (as amended). Displacement of water voles now needs to be undertaken under a licence.

In England, small scale (limited to continuous lengths of bank not exceeding 50 m) displacement of water voles can be carried out at certain times of the year (February to April) for the purposes of conservation under a Class Licence by a registered person. For larger scale displacements or displacements outside of this period, displacement can be undertaken under a site-specific conservation licence.

Where it is considered that the best outcome for water voles is capture and translocation to a different location then this action is considered by Natural England to be outside the scope of the defence as the intentional capture of water voles is unlikely to be considered ‘incidental’. In these circumstances there may be genuine grounds for issuing a conservation licence for the purpose of translocating the water vole population to suitable alternative habitat.

Nesting birds

All wild birds are protected under the *Wildlife and Countryside Act 1981* (as amended), with some species afforded greater protection under Schedule 1 of the *Wildlife and Countryside Act 1981* (as amended). In addition to the protection from killing or taking that all birds receive, Schedule 1 birds and their dependent young must not be disturbed at the nest.

There are no licensing purposes that explicitly cover development activities affecting wild birds.

White-clawed crayfish

White-clawed crayfish are protected under Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended). It is illegal to take or to sell white-clawed crayfish.

White-clawed crayfish is a species under major threat of global extinction and is referred to in various biodiversity related policy¹⁵. Several organisations involved in works on rivers or other water bodies have general legal obligations¹⁶ to take the presence of white-clawed crayfish into account when issuing permissions to undertake works.

Common species of reptile (common lizard, slow worm, grass snake and adder)

Common species of reptile are protected against intentional killing and injury under Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended). There is no requirement for a licence where development works affect common species of

¹⁵White-clawed crayfish is listed under the following: as a “priority” species of conservation importance under Section 41 of the Natural Environment and Rural Communities Act (2000).

¹⁶ Under the *Water Resources Act 1991* and the *Land Drainage Act 1991* there is a requirement to consider the presence of notable species such as white-clawed crayfish when the Environment Agency, Internal Drainage Board or other statutory agency is considering granting consent for proposed operations to a water course.

reptiles. Instead, Natural England advise¹⁷ that where reptiles are present, they should be protected from any harm that might arise during the development works through appropriate mitigation.

Badger

Badgers and their setts are protected under the *Protection of Badgers Act 1992* (as amended). This makes it an offence to wilfully kill, injure or take a badger; or intentionally or recklessly damage, destroy or obstruct access to a badger sett or disturb a badger in its sett.

It is not illegal to carry out disturbance activities near setts that are not occupied, i.e. those that do not show signs of current use.

Where required, licences for development activities involving disturbance or sett interference or closure are issued by Natural England. Licences for activities involving watercourse maintenance, drainage works or flood defences are issued under a separate process.

When assessing the requirement for a licence in respect of development, Natural England¹⁸ state that badgers are relatively tolerant of moderate levels of noise and activity around their setts, and that a low or moderate level of apparent disturbing activity at or near to badger setts does not necessarily disturb the badgers occupying those setts.

Licences are normally not granted from December to June inclusive (the badger breeding season) because dependent cubs may be present within setts.

Species and habitats of principal importance for the conservation of biodiversity

Section 40 of the Natural Environment & Rural Communities (NERC) Act 2006 sets out the duty for public authorities to conserve biodiversity in England.

Habitats and species of principal importance for the conservation of biodiversity are identified by the Secretary of State for England, in consultation with Natural England, and are referred to in Section 41 of the NERC Act for England. The list, known as the 'England Biodiversity List', of habitats and species can be found on the Natural England website¹⁹.

The 'England Biodiversity List' is used as a guide for decision makers such as public bodies, including local and regional authorities, in implementing their duty under Section 40 of the NERC Act 2006 to have regard to the conservation of biodiversity in England when carrying out their normal functions.

Non-native invasive plant species

Under Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)²⁰, it is an offence to plant or otherwise cause these species to grow in the wild.

Any contaminated soil or plant material is classified as controlled waste and should be disposed of in a suitably licensed landfill site, accompanied by appropriate Waste

¹⁷English Nature (2004) *Reptiles: guidelines for developers*. English Nature (now Natural England), Peterborough

¹⁸ Natural England (2009) *Interpretation of 'Disturbance' in relation to badgers occupying a sett*. Natural England, Peterborough.

¹⁹ <https://jncc.gov.uk/our-work/uk-bap/>

²⁰ <https://www.legislation.gov.uk/ukpga/1981/69/schedule/9>

Transfer documentation, and must comply with section 34 of the *Environmental Protection Act 1990*.

A.2 National Planning Policy

National Planning Policy Framework (NPPF) 2021

Although not the primary governing policy document for the purposes of a harbour facility NSIP, the NPPF is nevertheless still an important policy document in respect of ecology and has been taken into account when preparing this PEAR. The NPPF was first published in March 2012 and has been updated in July 2018, February 2019 and most recently in July 2021²¹.

The NPPF states the commitment of the UK Government to minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. It specifies the obligations that the Local Authorities and the UK Government have regarding statutory designated sites and protected species under UK and international legislation and how this is to be delivered in the planning system. Protected or notable habitats and species can be a material consideration in planning decisions and may therefore make some sites unsuitable for particular types of development, or if development is permitted, mitigation measures may be required to avoid or minimise impacts on certain habitats and species, or where impact is unavoidable, compensation may be required.

Chapter 15 of the NPPF 'Conserving and enhancing the natural environment' sets out the requirements to consider biodiversity in planning decisions. A summary of the paragraphs of the NPPF relevant to terrestrial ecology and nature conservation, and to the IERRT project, is provided below.

Paragraph 174 states that "*Planning policies and decisions should contribute to and enhance the natural and local environment by*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water

²¹ <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate”.

Paragraph 175 states that *“Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.”*

Paragraph 179 states that *“To protect and enhance biodiversity and geodiversity, plans should:*

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.

Paragraph 180 states that *“When determining planning applications, local planning authorities should apply the following principles:*

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

National Policy Statement for Ports 2012

This Statement is part of the consenting system established under the 2008 Act to deal with nationally significant infrastructure proposals. It provides the framework for decisions on proposals for new nationally significant port development. It is also a

relevant consideration for the Marine Management Organisation, established in the Marine and Coastal Access Act 2009, which decides other port development proposals, and for local planning authorities where they have a role to play.

Section 5.1 identifies the pathways through which the construction and operation of port infrastructure can have an adverse impact on biodiversity (and geodiversity) and sets out the requirements for applicants and decision makers.

Paragraph 5.1.4 states that *“Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the decision-maker consider thoroughly the potential effects of a proposed project.”*

Paragraph 5.1.5 states that *“The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.”*

A.3 Local Planning Policy

The North East Lincolnshire Local Plan was adopted in March 2018²² and covers the period 2013 to 2032, setting out the vision for economic growth and development in the borough.

Policy 41 of the Local Plan relates to Biodiversity and Geodiversity and states:

“1. The Council will have regard to biodiversity and geodiversity when considering development proposals, seeking specifically to:

A. establish and secure appropriate management of, long-term mitigation areas within the Estuary Employment Zone, managed specifically to protect the integrity of the internationally important biodiversity sites (see Policy 9'Habitat Mitigation - South Humber Bank');

B. designate Local Wildlife Sites (LWSs) and Local Geological Sites (LGSs) in recognition of particular wildlife and geological value;

C. protect manage and enhance international, national and local sites of biological and geological conservation importance, having regard to the hierarchy of designated sites, and the need for appropriate buffer zones;

D. minimise the loss of biodiversity features, or where loss is unavoidable and justified ensure appropriate mitigation and compensation measures are provided;

E. create opportunities to retain, protect, restore and enhance features of biodiversity value, including priority habitats and species; and,

F. take opportunities to retain, protect and restore the connectivity between components of the Borough's ecological network.

²² <https://www.nelincs.gov.uk/assets/uploads/2020/10/The-NEL-Local-Plan-adopted-2018.pdf>

2. Any development which would, either individually or cumulatively, result in significant harm to biodiversity which cannot be avoided, adequately mitigated or as a last resort compensated for, will be refused.”

Annex B Methods

B.1 Desk study

A preliminary ecological assessment includes a desk study to obtain background records relevant to a development. The data obtained provide contextual information for the scope of field surveys, to aid the evaluation of field survey results, and to provide supplementary information where complete field survey coverage is not possible.

The Study Area is dependent upon the nature, timing and scale of the development, as well as the location of the site and the surrounding landscape. These variables all contribute to what is referred to as the Zone of Influence (Zoi) of the development, which is the area over which ecological features may be affected by biophysical changes arising from the works and associated activities.

In July 2021 the Lincolnshire Environmental Records Centre (LERC) was contacted by Wold Ecology Ltd. to obtain the following ecological data:

- Records of non-statutory designated Sites within 2 km of the IERRT project site boundary; and
- Records of legally protected and notable species (fauna and flora) within 2 km of the IERRT project site boundary, including Species of Principal Importance for the Conservation of Biodiversity listed under Section 41 of the Natural Environment & Rural Communities Act 2006 in the England Biodiversity List²³.

The Multi-Agency Geographic Information for the Countryside (MAGIC) website (www.magic.gov.uk) was reviewed for the following information:

- Designated Sites of nature conservation importance (statutory sites only) within 2 km of the IERRT project site. This was extended to 10 km for internationally designated Sites: Special Protection Areas (SPAs), Wetlands of International Importance (Ramsar sites) and Special Areas of Conservation (SACs);
- Notable habitats within 2 km of the IERRT project site boundary, these being areas of ancient woodland and 'Habitats of Principal Importance for the Conservation of Biodiversity' included in the England Biodiversity List, and habitats listed on Natural England's Priority Habitat Inventory (<https://environment.data.gov.uk/DefraDataDownload/?mapService=NE/PriorityHabitatInventoryNorth&Mode=satial>);
- Records of European Protected Species Mitigation (EPSM) licences granted within 2 km of the IERRT project site boundary;
- Ordnance Survey maps and the Where's the Path website [REDACTED] have been used to identify the presence of water bodies within 250 m of the IERRT project site

²³ Section 40 of the Natural Environment & Rural Communities Act 2006 requires that very public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. The Secretary of State has drawn up, in accordance with Section 41 of the Act and in consultation with Natural England, a list of habitats and species of principal importance for the conservation of biodiversity in England that is known as the *England Biodiversity List*

boundary, in order to help establish if the land within and immediately surrounding the IERRT project site could be used by GCN. This species can use suitable terrestrial habitat up to 500 m from a breeding pond²⁴, though there is a notable decrease in GCN abundance beyond 250 m from a breeding pond²⁵.

B.2 Extended Phase 1 Habitat survey

The preliminary ecological assessment includes a walkover survey of the Survey Area (all land within the IERRT project site boundary), broadly following the Phase 1 habitat survey methodology as set out in Joint Nature Conservation Committee guidance (JNCC, 2010)²⁶. This survey method records information on habitat types and is 'extended' to record any evidence of and potential for protected or notable species to be present. Plant names recorded during the survey follow Stace (2010)²⁷.

During the walkover survey, the following protected or notable species are considered:

- **Badger:** the survey involves searching for signs of badger activity including setts, tracks, snuffle holes and latrines, following the methodology detailed in *Scottish Badgers* (2018)²⁸ and Harris et al (1989)²⁹;
- **Bats:** the survey involves searching for potential roosting sites for bats within trees and structures (such as buildings, bridges or underground features such as mines) and categorising the potential of those trees or structures to support roosting bats (negligible to high, or confirmed roost), in accordance with Bat Conservation Trust (BCT) guidance (2016)³⁰;
- **Otter:** the survey involves assessing the potential of watercourses and water bodies, and adjacent terrestrial habitat within the Survey Area to support otter, following RSPB (1994)³¹ and Chanin, P. (2003)³² guidance;
- **Water vole:** the survey involves assessing the potential of watercourses and water bodies within the Survey Area to support water vole, following *The Mammal Society* (2016)³³ guidance;
- **Birds:** the survey involves assessing the potential of habitats within the Survey Area to support breeding, wintering or migrating birds, either individually notable species or assemblages of both common and rarer species;

²⁴ English Nature (2001). Great Crested Newt Mitigation Guidelines.

²⁵ Natural England. An assessment of the efficiency of capture techniques and the value of different habitats for the great crested newt (ENRR576) [REDACTED]

²⁶ Joint Nature Conservation Committee (2010) *Handbook for Phase 1 habitat survey - a technique for environmental audit*.

²⁷ Stace, C E (2010) *New Flora of the British Isles*, 3rd edition. Cambridge University Press.

²⁸ Scottish Badgers (2018). *Surveying for Badgers: Good Practice Guidelines*. Version 1.

²⁹ Harris, S. Cresswell, P. and Jefferies, D. (1989). *Surveying Badgers*. Mammal Society.

³⁰ Collins, J.(ed) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edition). The Bat Conservation Trust. London.

³¹ Ward, D. Holmes, N. Jose, P. (1994). *The New Rivers and Wildlife Handbook*. Royal Society for the Protection of Birds.

³² Chanin, P (2003b). *Monitoring the Otter *Lutra lutra**. Conserving Natura 2000 Rivers Monitoring Series No 10. English Nature, Peterborough.

³³ Dean, M. Strachan, R. Gow, D. Andrews, R. (2016). *The Water Vole Mitigation Handbook (The Mammal Society Guidance Series)*. Eds Fiona Mathews and Paul Chanin. The Mammal Society. London.

- **Great crested newt:** the survey involves assessing the potential of habitats within the Survey Area to support GCN, following English Nature (2001)³⁴ and Froglife (2001)³⁵ guidance;
- **Reptiles:** the survey involves assessing the potential of habitats within the Survey Area to support reptiles (typically adder, grass snake, common lizard and slow worm only, though in some locations and habitat types (most notably heathland) may also include smooth snake and sand lizard), following Froglife (1999)³⁶ and JNCC (2003)³⁷ guidance;
- **Notable species of invertebrate:** the survey involves assessing the potential of habitats within the Survey Area to support notable species of invertebrates, both terrestrial and aquatic (including white-clawed crayfish);
- **Protected or Notable species of plants:** the survey involves recording protected or notable plant species;
- **Other notable species:** the survey involves assessing the potential of habitat within the Survey Area to support other Notable Species, such as hedgehog (*Erinaceus europaeus*), brown hare, polecat (*Mustela putorius*) or common toad (*Bufo bufo*); and
- **Non-native invasive plant species:** the survey involves recording evidence of the presence of invasive plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and subject to strict legal control.

B.3 Limitations and assumptions

Information obtained during a desk study is dependent upon people and organisations having made and submitted records for the area of interest. The absence of records for a species does not therefore necessarily mean that such species does not occur in the study area. Likewise, the presence of records for habitats and species does not automatically mean that these still occur within the area of interest or are relevant in the context of the Survey Area.

Where habitat boundaries coincide with physical boundaries recorded on Ordnance Survey maps the resolution is as determined by the scale of the base maps. Elsewhere, habitat mapping is as estimated in the field and / or recorded by hand-held GPS.

Access into areas of dense scrub in the southern part of the Survey Area was not possible due to the impenetrable nature of the bramble and hawthorn scrub growth. It was therefore not possible to fully survey these areas of habitat for the presence of badger setts. This limitation is addressed through a recommendation for a precautionary approach to scrub clearance.

Access to lagoons L2 to L9 inclusive for the purposes of undertaking HSI appraisals for GCN was not possible and therefore assumptions as to the status and usage of these waterbodies have been made based on inspection of aerial photographs,

³⁴ English Nature (2001). *The Great Crested Newt Mitigation Guidelines*. English Nature.

³⁵ Froglife (2001). *The Great Crested Newt Conservation Handbook*. Froglife, Suffolk.

³⁶ Froglife (1999). *Reptile Survey: An introduction to planning, conducting and interpreting surveys for snake and lizard conservation*. Froglife Advice Sheet 10. Froglife, Halesworth.

³⁷ Joint Nature Conservation Committee (2003). *Herpetofauna Workers Manual*. JNCC, Peterborough.

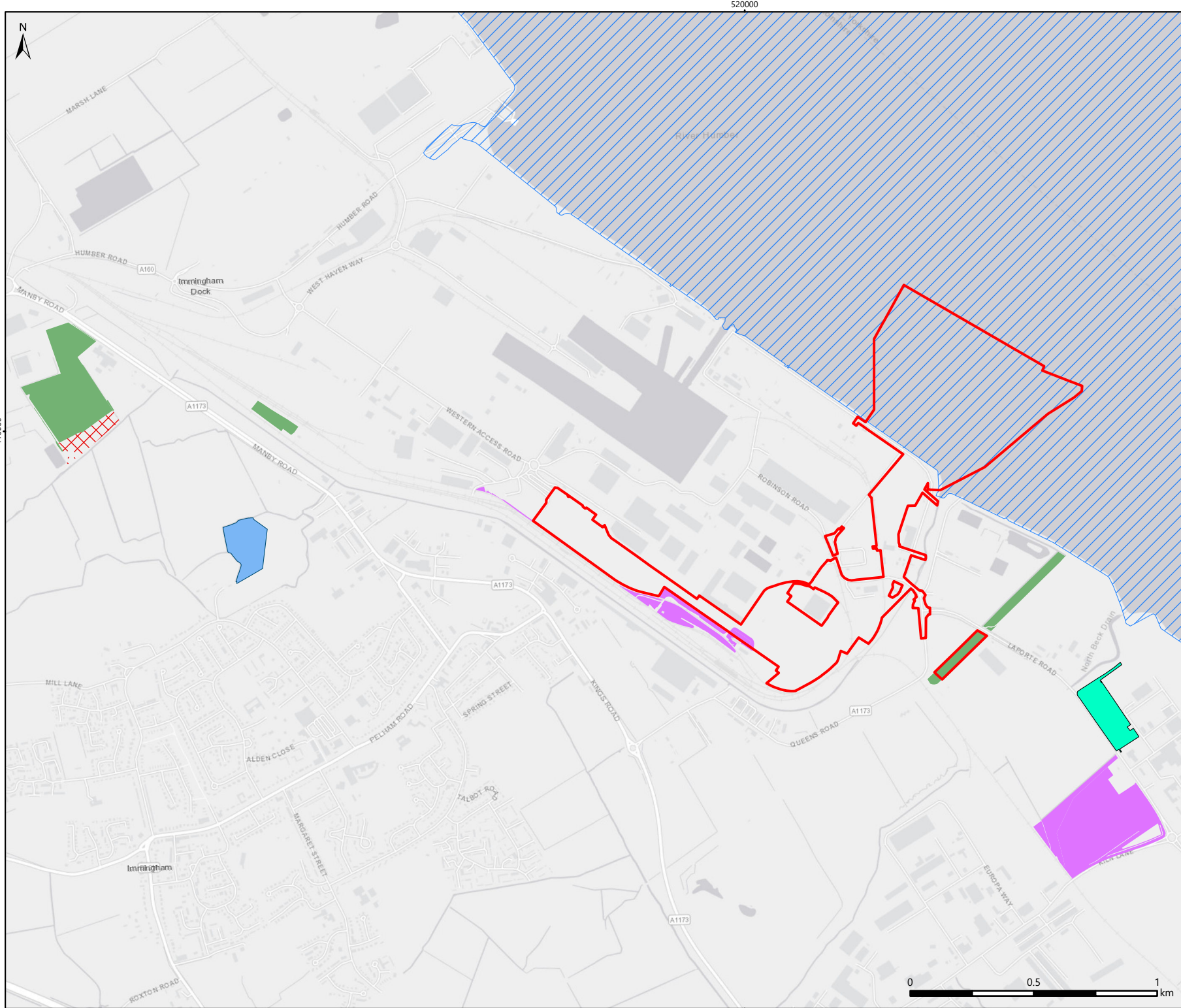
MAGIC mapping and the known usage/ function of the waterbodies, to inform the appraisal of suitability for breeding GCN.

There were no limitations to the undertaking of field surveys in 2021 due to restrictions imposed by the UK government as a result of the ongoing COVID-19 pandemic.

Annex C Wold Ecology Ltd PEA Report July 2021

[Click to view attachment Annex C](#)

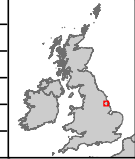
Annex D Figures



- Legend**
- Proposed Application Site
 - Humber Estuary SAC/ SPA/ Ramsar/ SSSI
- UK Priority Habitats**
- Deciduous Woodland
 - Good Quality Semi-Improved Grassland
 - No Main Habitat but Additional Habitats Present
- Non-Statutory Sites**
- Homestead Park Pond
 - Laporte Road Brownfield Site

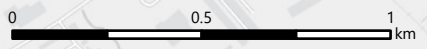
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 World Light Gray Canvas Base: Esri UK, Esri, HERE, Garmin, GeoTechnologies, Inc., USGS
 World Light Gray Reference: Esri, HERE
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Date	By	QA
15/12/2022	MAB	JA
Projection	British National Grid	
Scale (A4)	1:20,000	
Project no.	60664611	
Project_Sugar_Maps_ES_2022.aprx		



**IMMINGHAM EASTERN
 RO-RO TERMINAL
 Statutory and Non-statutory
 Designated Sites**

FIGURE 1

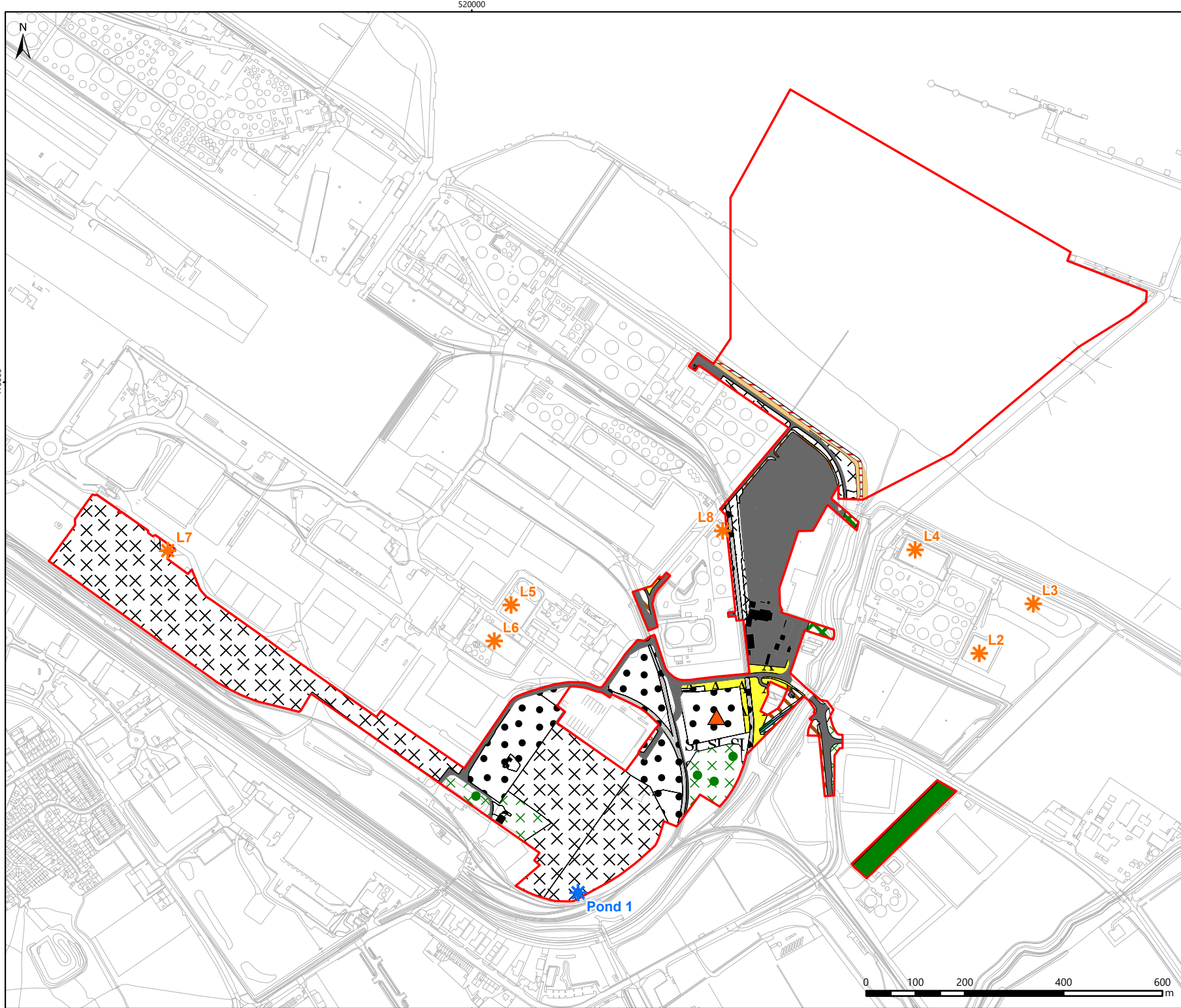


520000

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- Legend**
- Proposed Application Site
 - A3.1 - Broadleaved parkland/ scattered trees
 - ▲ I2.2 - Spoil
 - ✱ J5 - Other habitat (Industrial Lagoon)
 - ✱ J5 - Other habitat (Pond)
 - A1.1.1 - Broadleaved woodland - semi-natural
 - A2.1 - Scrub - dense/continuous
 - A2.2 - Scrub - scattered
 - SL B6 - Poor semi-improved grassland
 - C3.1 - Other tall herb and fern - ruderal
 - G1 - Standing water
 - G2 - Running water
 - J1.2 - Cultivated/disturbed land - amenity grassland
 - J1.3 - Cultivated/disturbed land - ephemeral/short perennial
 - J2.5 - Wall
 - J3.6 - Buildings
 - J4 - Bare ground
 - J5 - Other habitat
 - Hardstanding

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 Ordnance Survey 0100031673

Date	By	QA
15/12/2022	MAB	JA
Projection	British National Grid	
Scale (A4)	1:10,000	
Project no.	60664611	
Project_Sugar_Maps_ES_2022.aprx		



**IMMINGHAM EASTERN
 RO-RO TERMINAL
 Phase 1 Habitats**

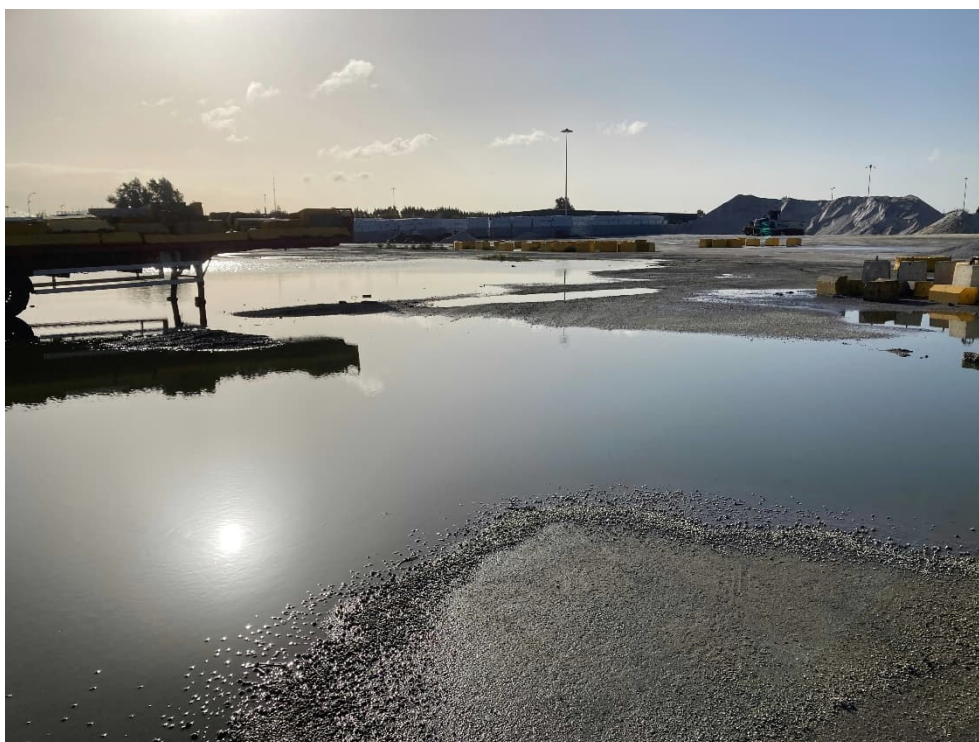
FIGURE 2



Annex E Photographs



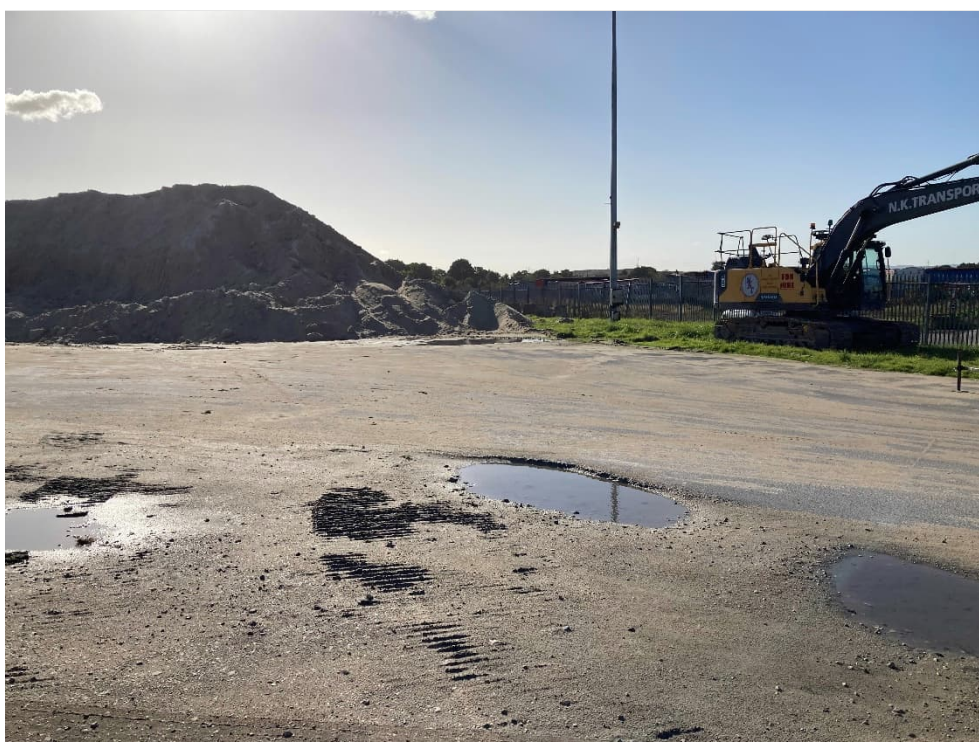
Photograph 1. An example of the modern brick-built buildings in the northern Survey Area



Photograph 2. Large area of hard standing in northern Survey Area, with recent rainwater pooling in the foreground.



Photograph 3. Bare ground/ ephemeral vegetation in southern Survey Area (with water tower in background).



Photograph 4. Hard standing and bulk cargo storage pile in northern Survey Area.

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