

NE Key Issue Ref	Topic	Issue summary (C) - Construction Phase, (O) - Operation Phase	Paragraph no.	Natural England commentary and advice on the further information required to enable assessment	Natural England comment on the mechanism for securing mitigation/compensation measures in the DCO/deemed marine licence	Comment addressed in signposting docs received 12.06.23?	Where in signposting docs?	Do NE consider that this point is now fully addressed / resolved?	Additional note (s)	NE Additional Advice	RAG rating for specific paragraph/point	RAG rating for key issue	
2	International designated sites •Humber Estuary SAC •Humber Estuary SPA •Humber Estuary Ramsar	Potential air quality impacts from construction traffic and/or marine vessel emissions on Humber Estuary SAC/SPA/Ramsar designated features (C)	3	Construction traffic is currently excluded with the reasoning that on average there will be fewer than 200HDVs per day. However, there will be peaks where 200HDVs per day is exceeded, therefore we advise an precautionary approach is used and further assessment of construction traffic is provided.	N/a: Further information required	Yes	Air Quality - Key Issue 2 - Point 2)	Yes	We are now able to move this aspect of the key issue to 'green'.	The 200AADT HDV threshold is a proxy for the 1% of the critical level for NO _x /critical load for N dep, which is an annual figure. It is acknowledged that annual emissions (whether from traffic or other sources) are likely to be most relevant to ecosystem impacts. Therefore, although peak emissions can in some cases be relevant, in this case, given the marginal level of construction traffic above the 200AADT HDV data, on only a few days, there is no requirement to undertake further assessment of construction traffic impacts, as it is considered that breaching the threshold (in-combination) on only a few days will have minimal impact.	Green	Amber	
4	International designated sites •Humber Estuary SPA •Humber Estuary SAC •Humber Estuary Ramsar	Potential for air quality impacts to the Humber Estuary SPA, SAC and Ramsar from construction dust (C)	1	Table 3 of the HRA states that LSE on the Humber Estuary can be ruled out for potential air quality impacts of construction dust. The reasoning given for this is as follows: "The majority of the SAC habitats closest to the construction site are marine habitats and are therefore not sensitive to changes in air quality due to dust smothering". Section 13.8.20 of Chapter 13 of the ES also states the following: "...the areas of the SAC/SPA that are within 20m of the construction site boundary are tidal mudflats and such habitat is not considered sensitive to air quality or construction dust impacts, because the tidal nature of the estuary will regularly wash deposited dust away." We advise that although it is reasonable to highlight this, such further assessment should be provided in the appropriate assessment, where further descriptions of the habitats should be made. For instance, Table 2 of the HRA indicates that the SAC feature H1140 'Mudflats and sandflats not covered by seawater at low tide' are within the footprint of the project, but this habitat type does not appear to be recognised in the assessment.	N/a: Further information required	Yes	Air Quality - Key Issue 4 - Point 1)	Yes	We are now able to move this key issue to 'green'.	The point made by the applicant around inundation of mudflat habitats is reasonable, and it is acknowledged that sediment loading to the habitat will be much greater than that arising with mitigated construction dust. Although Natural England considers there is a pathway for dust to impact on the integrity of the designated site (and therefore a likely significant effect) ultimately it is accepted that the mitigation employed and the general non-susceptibility of the impacted habitat to dust (as a result of inundation) would mean that the conclusion of the appropriate assessment would be that there would be no adverse effect on the integrity of the site as a result of construction dust.	Green	Green	
5	International designated sites •Humber Estuary SPA •Humber Estuary Ramsar	General comments / further information required in relation to SPA / Ramsar bird species data (C) and (O)	1	Table 2 of the HRA uses phrases such as 'low numbers' to describe numbers of SPA/Ramsar bird species found. We consider terms such as 'low/low numbers' to be comparative and open to interpretation. We advise that bird numbers should be quantified through specific references to the data. For example, through referring to the numbers of birds in relation to their estuary population, with phrases such as 'numbers (less/more than) 1% of the estuary population (five year mean)'.	N/a: Further information required	Yes	Bird Disturbance - Key Issue 5 - Point 1)	Yes	We are now able to move this aspect of the key issue to 'green'.	NE satisfied that this point has been covered. Final HRA should cover justification for identification of key species.	Green	Amber	
5	International designated sites •Humber Estuary SPA •Humber Estuary Ramsar	General comments / further information required in relation to SPA / Ramsar bird species data (C) and (O)	2	Table 4 of the HRA details potential impacts that could result in LSE on features of the Humber Estuary SPA. We would advise that bird data should be presented prior to this table, in particular tables 9.19 and 9.20 from the ES. Additionally, combining the wintering and passage data for 2022 would provide a clearer picture of bird usage across the year. At present, all wintering data is summarised to give peak counts in each year, with key months identified. Presenting bird usage data by month would provide a more useful summary of this information.	N/a: Further information required	Yes	Bird Disturbance - Key Issue 5 - Point 2)	Yes	We are now able to move this aspect of the key issue to 'green'.	Tables 1 and 2 are very helpful. It would be useful to include a column with the 5 year mean of each species. Identification of SPA assemblage species needs checking, e.g. grey plover is an assemblage species and is not indicated in the table.	Green	Amber	
7	International designated sites •Humber Estuary SPA •Humber Estuary Ramsar	Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species (C)	7	The HRA should indicate the expected number of passage and wintering seasons for SPA birds that will be affected by the construction period. It would be helpful if the HRA could set out the expected period of each of the main construction activities (e.g. capital dredge, construction of jetties etc.)	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 5)	Yes		The final HRA should reflect the construction programme, for example making it clear if the works will extend over more than one year.	Green	Amber	
7	International designated sites •Humber Estuary SPA •Humber Estuary Ramsar	Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species (C)	8	Section 4.10.23 (page 221) states that "The near shore environment in the Port of Immingham area is already subject to large numbers of vessel movements...". We require further information around the term "large numbers" here, and further information around how this project might add to that figure.	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 6)	Yes		Point addressed, but please ensure that increase in vessel movements is included in the HRA.	Green	Amber	
7	International designated sites •Humber Estuary SPA •Humber Estuary Ramsar	Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species (C)	11b	In this section (Section 4.10.30), shelduck are missing from off the important species list, despite approximately 2% of the Humber Estuary population having been recorded.	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 9)	Yes	N/a	Correct species list should be included in the final HRA.	Green	Amber	
7	International designated sites •Humber Estuary SPA •Humber Estuary Ramsar	Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species (C)	12	Natural England supports the following statement in section 4.10.31: "...there is a degree of uncertainty as to whether such areas could accommodate displaced birds".	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 10)	Yes	N/a	No further comment.	Green	Amber	
7	International designated sites •Humber Estuary SPA •Humber Estuary Ramsar	Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species (C)	13	The HRA should also assess impacts on feeding birds and roosting birds separately. In particular, there should be an assessment of the impact on birds roosting on structures in the intertidal zone identified in Fig 9.10. This should include consideration of whether there are other suitable structures for the birds to use, and whether additional mitigation measures are required.	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 11)	Yes	N/a	Satisfied that this issue has been addressed, but the information needs to be included within the final HRA.	Green	Amber	
7	International designated sites •Humber Estuary SPA •Humber Estuary Ramsar	Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species (C)	14	Section 4.10.35 states that mitigation measures have been discussed with Natural England, despite this is correct, mitigation measures have not been fully agreed with us at this stage.	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 12)	Yes	N/a	Response noted, but does not change comment that mitigation measures have not been fully agreed with NE.	Green	Amber	
7	International designated sites •Humber Estuary SPA •Humber Estuary Ramsar	Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species (C)	19	Natural England agrees that the proposed noise suppression system for piling on outer finger pier would be helpful, but the effectiveness of this measure should be assessed in further detail.	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 16)	Yes	N/a	Information should be included in the HRA.	Green	Amber	
7	International designated sites •Humber Estuary SPA •Humber Estuary Ramsar	Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species (C)	20	Natural England agrees that the proposed acoustic barrier/ screening on marine construction barges would be helpful, but the effectiveness of this measure should be assessed in further detail.	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 17)	Yes	N/a	Information should be included in the HRA.	Green	Amber	
7	International designated sites •Humber Estuary SPA •Humber Estuary Ramsar	Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species (C)	23	Natural England advise replacing phrases such as "occur in relatively large numbers" in Table 29 with statements derived from the data. This could include phrasing such as "occurs in numbers over 10% of the estuary population which is nationally significant".	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 20)	Yes	N/a	The final HRA should refer to bird numbers in relation to bird data.	Green	Amber	
7	International designated sites •Humber Estuary SPA •Humber Estuary Ramsar	Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species (C)	24	Natural England also expect that Table 29 will be amended once our advice has been considered, so we will provide further comments at that stage.	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 21)	Yes	N/a	ABP expects that final HRA will include all relevant information.	Green	Amber	
33	Environmental Statement	Schedule of Mitigation - Marine mammals	1	Natural England welcomes the Applicant's commitment to undertake vibro piling where possible. We note that, at present, vibro piling is only proposed to occur for up to 20 minutes in a day, compared to 180 minutes of percussive piling in a day, therefore comprising 10% of total piling time. Natural England would welcome further detail on how much of the piling could be achieved using vibro-piling, thereby understanding how much this mitigation measure could be applied across the piling campaign section 3.3.2 - Natural England considers that the harbour seal feature of the Wash and North Norfolk Coast SAC should be screened in for Likely Significant Effect (LSE). There is the potential for harbour seal from the Wash and North Norfolk Coast SAC to be present within the zones of impact of the project. The project is within the known foraging range of harbour seals from this SAC (Shargies et al. 2012). Indeed, harbour seals is listed by the Applicant as a species that could be found in the study area, and it is highly likely that any harbour seals in the study area would be connected to the Wash and North Norfolk Coast SAC. This key haul-out site supports most harbour seals in the Southeast England Seal Management Unit. Whilst the project does not directly overlap with the SAC, the harbour seal feature should be considered throughout its range, as detailed in the Supplementary Advice on Conservation.	N/a	Yes	Underwater Noise - Key Issue 33, point 1	Yes	N/a	N/a		Yellow	
34	International designated sites •North Norfolk Coast SAC	HRA assessment - Screening conclusion	1 and 2	Natural England agrees that the proposed acoustic barrier/ screening on marine construction barges would be helpful, but the effectiveness of this measure should be assessed in further detail.	N/a - Screen the Wash and North Norfolk Coast SAC harbour seal feature into Stage 2 of the HRA.	Yes	Underwater Noise - Key Issue 34, point 1	Yes	N/a	Satisfied that this issue has been addressed through the inclusion of a high-level assessment, but the information needs to be included within the final HRA.	Yellow		
37	National designated sites (biodiversity & geodiversity) •Humber Estuary SSSI	Potential impacts on the Humber Estuary SSSI invertebrate assemblage (C) and (O)	1	Detailed advice from Natural England is to follow in relation to this impact pathway.	N/a: Further information required	Yes	SSSI - Key Issue 36, point 2	Yes			Green	Green	
38	National designated sites (biodiversity & geodiversity) •Humber Estuary SSSI	Potential impacts on the Humber Estuary SSSI bird assemblage feature (C) and (O)	1	Detailed advice from Natural England is to follow in relation to this impact pathway.	N/a: Further information required	Yes	SSSI - Key Issue 36, point 3	Yes			Green	Green	

41	National designated sites (biodiversity & geodiversity) • Any relevant terrestrial SSSIs	Construction and operational phase traffic impacts on all relevant terrestrial SSSIs (C) and (O)	1 and 2	Natural England consider that further assessment is required of construction and operational traffic impacts on all relevant terrestrial SSSIs. In the current assessment, construction traffic has not been considered as on average there will be less than 200HDV movements per day. However, as there are predicted peaks of over 200HDV movements per day, we advise that a precautionary approach is taken in the assessment of this for any relevant terrestrial SSSIs.	N/a	Yes	Air Quality - Key Issue 41 - Point 1)	Yes	N/a - This is	As outlined under K12.2, it is acknowledged that annual emissions rather than peaks of emissions are the key emissions of relevance to ecosystems. Therefore, although peak emissions can in some cases be relevant, in this case, given the marginal level of construction traffic above the 200AADT HGV data, on only a few days, there is no requirement to undertake further assessment of construction traffic impacts, as it is considered that breaching the threshold (in combination) on only a few days will have minimal impact.	Green	Green
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