

Immingham Eastern RO-RO Terminal
TR030007
Natural England
Principal Areas of Disagreement Summary
Statement (PADSS)
Finalised: 15.08.23

A new approach to establishing principal areas of disagreement between consultees and applicants is being trialled on the [PROJECT NAME] under the [NSIP Reform Early Adopters Programme](#).

Pre-application is the optimal time to seek agreement between parties. The use of PADSS have proved helpful in Examination procedures and should also assist negotiations when developed during the Pre-application stage.

The development of 'Pre-application PADSS' is expected to be an iterative process with versions provided by consultees to the Planning Inspectorate and the Applicant to inform discussion at project update meetings with the Applicant. Finalised Pre-application PADSS are requested to be provided by consultees to the Applicant to accompany the submission of their application for development consent. and provided to the Applicant prior to submission.

If the application is accepted for Examination, subject to the discretion of the appointed Examining Authority PADSS should continue to be updated during the Pre-examination and Examination stages of the process where issues remain.

This document comprises a preferred format for consultees to record areas of disagreement during the Pre-application stage.

| Ref | Area of disagreement | Summary of concern held by Natural England | What needs to change, or be included or amended to overcome the disagreement? | Likelihood of the concern being addressed prior to submission of the application/ during the Examination |
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| 1. | Potential changes in waterbird foraging and roosting due to operation (presence of infrastructure) | <p>We are concerned that SPA waterbirds will be displaced from the intertidal habitat in the area between the new approach jetty and the Immingham Oil Terminal and for 20m beyond the new jetty once constructed. The 2 jetties will effectively 'enclose' an area of mudflat including the outfall channel. Our current view is that this will lead to loss of functional habitat for a range of SPA waterbirds during the operational period.</p> <p>We are particularly concerned about impacts on black tailed godwit as they occur in numbers over 10% of the estuary population in sector B of the Immingham frontage. In addition black tailed godwit numbers in the Humber Estuary are declining and this is considered to be due to site specific pressures rather than more widespread issues (according to WeBS bird alerts). We therefore advise taking a precautionary approach to the assessment of loss of foraging and roosting habitat.</p> | <p>More detailed assessment of impact of loss of functional habitat for SPA waterbirds.</p> <p>Assessment of loss of habitat for SPA birds should include assessment of loss compared to the available habitat used by the species on the Humber Estuary (not all mudflat).</p> | Likely |
| 2. | Potential noise and visual disturbance during construction on qualifying SPA/ Ramsar bird species. | <p>We are concerned that very noisy construction works such as piling can take place during the winter when sensitive species, particularly black tailed godwit occur in very high numbers (over 10% of the estuary population). Also dunlin, redshank, shelduck and turnstone occur in numbers over 1% of the estuary population. Mitigation measures such as screening and tidal working aim to reduce the disturbance effect . However, we are concerned that</p> | <p>More detailed assessment of effectiveness of mitigation measures during the winter months. Some of the mitigation measures suggested are proposed to address impacts on other species such as fish and may not be fully effective for birds. This needs to be considered in the assessment.</p> <p>Our advice is that the most disturbing activities such as piling should take place during the summer, avoiding the wintering period (October to April inclusive).</p> | Likely |

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| | | significant numbers of key species could still be displaced from feeding areas during the winter potentially reducing feeding periods and survival rates. | | |
| 3. | Use of 200m rather than 300m as disturbance distance for SPA waterbird species. | ABP's HRA information (table 27) shows that some SPA waterbird species show flight initiation distances over 300m, including key species including shelduck. There is limited data for black tailed godwit. It is not therefore clear why 200m has been used in assessments and mitigation measures. | We advise taking a precautionary approach, using 300m as the disturbance distance in assessments and mitigation measures. | Likely |
| 4. | Humber Estuary SAC/ SSSI – noise/ vibration impacts on SAC lamprey populations | Natural England are content that by November, river lamprey will be entering the river basins and thus will be far enough away from the project site for percussive piling to occur at night. However, we maintain that impacts to lamprey from vibro-piling at night requires further consideration in the HRA. | Impacts to lamprey of vibro-piling at night during the migratory period should be assessed in the HRA. We consider the following mitigation could be applied to avoid impacts: <ul style="list-style-type: none"> - A commitment to no vibro-piling at night. - The seasonal restrictions on overnight percussive piling also being made applicable to vibro-piling | Likely |
| 5. | Humber Estuary SAC/ SSSI – noise impacts on marine mammals (grey seal) - construction | The applicant has assessed injury and disturbance as a single pathway; however, they should be assessed separately as they have different probabilities of occurrence, magnitudes and marine mammals have differing levels of sensitivity to them. Industry mitigation is available to reduce the likelihood of injury but not disturbance, which is why they shouldn't be assessed together. | The applicant should undertake separate assessments of injury (PTS and TTS) and disturbance pathways to marine mammals. They should consider revising the assessment of disturbance in line with comments, by adding more detail, and/or considering further mitigation or monitoring of this pathway specifically. | Likely |
| 6. | Humber Estuary SAC/ SSSI – loss of intertidal/ Subtidal/ seabed habitats during construction | The current HRA does not provide a sufficient in-combination assessment, therefore NE cannot provide a reliable conclusion regarding the loss of both qualifying intertidal and subtidal habitats. | The applicant needs to provide a revised in-combination assessment which would require further details to address the outstanding issues. The loss of habitat needs to be considered in-combination with the effects likely to arise from other plans or projects also | Likely |

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| | | | being proposed and considered simultaneously. Once the in-combination assessment is sufficiently revised, it will provide NE with the necessary information required to come to a reliable conclusion. | |
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