	Ref Topic Construction Phase, (O) - Operation Phase	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?		NE Additional Advice (sent to ABP 30 June 2023) Comments made by ABP during meeting 03 July 2023	Additional note(s) from ABP 10 July 2023	NE Additional Advice (sent to ABP 03 August 2023)	Natural England position at Deadline 6 (13 November 2023). Documents reviewed: updated Habitat Regulations Assessment Report (HRAr) [REP5-020] / IERRT Written Representation Signposting Document (Sent directly to NE on 06 October 2023)	RAG rating for specific RAG rating for ke
	General comments and	Natural England recommends that the assessment of potential air quality impacts from construction and operational phase traffic is undertaken in-line with our guidance note NEA001. The assessment should clearly define the plans and/or projects that					We assume that the mudflat habitat referred to within 200m of the project, is the SAC feature H1140 "Mudflats and sandflats not covered by seawater at low tide". This is recorded on APIS as being sensitive to nitrogen. It is correct that there is no established available critical load estimate,	> The critical load for 'estuaries' provided on APIS is simply that for saltmarsh, as this represents the		Following the further clarifications provided by ABP on 03/07/23, that the habitat within the zone of influence of any Air Quality impacts is either unvegetated mud only; all or partially tidally inundated; or saltmarsh which is in exceedance of 1% of the CLe (NOx) but below the relevant threshold overall, NE agrees that the AA could determine no adverse effect of the integrity of the designated site. We can confirm that the updated HRA AA reflects the above for the following Humber Estuary Special Area of Conservation (SAC) features / pathways:	
1	International designated site ● ● umber Estuary SAC ● ● umber Estuary SPA ● ● umber Estuary Ramsar International further information required in relation to the assessment methodology for air quality impacts from construction and operational phase traffic and/or marine vessel emissions (O) and (C)	have been scoped in, and the same screening thresholds (see Step 4 of NEA001) should be used as for impacts of the project alone, in-line with the Wealden Judgement for any projects which will not be reflected in the background level. For any process contributions (PC) that exceed 1% of the critical load or level of the relevant environmental benchmark alone or in-combination, the results will need to be considered in the context of the predicted environmental concentration (PEC),	Yes	Air Quality - Key Issue 1 - Point 1)	Yes	Requires assessment in AA but agree that could determine no adverse effect of the integrity of the designated site.	however, this is because this is dependent on site-specific details. These details include the plant and animal communities present, which vary according to the type of sediment, its stability, and the salinity of the water. Although the signposting document notes the habitat is unvegetated, please provide further information (such as an NVC survey of this part of the SAC), to further define the habitat type present. Additionally, there is no assessment of the H1130 "Estuaries" feature, which does have a critical load defined on APIS (10-20kgN/ha/yr). We therefore advise it would be precautionary to apply this	most sensitive estuarine habitat. APIS states that the Critical Load for estuary habitat "Applies to the saltmarsh component of the feature", which is what is reported in the ES. > There are no critical loads which are based upon the effects of nitrogen deposition on sediment infaunal communities. Therefore there is no appropriate proxy critical load for unvegetated mudflat. > The critical levels for NOx and appropria are based on studies into the effects of these chemicals on	As there is a pathway of impact and the 1% screening threshold is exceeded then AQ cannot be screened out at the Likely Significant Effect stage and must be considered under the Appropriate Assessment. As the applicant has clarified that the habitat to be within the zone of influence of any AQ impacts is unvegetated mud only, and all or partially tidally inundated, then we can agree that the Appropriate Assessment could determine no adverse effect of the integrity of the designated site. H	The H1140 Mudflats and sandflats not covered by seawater at low tide feature has been screened into the appropriate assessment for construction dust impacts. As it has previously been confirmed that unvegetated mud only, and this is either all or partially tidally inundated, we can confirm agreement with no adverse effect on integrity from this impact pathway, as concluded in HRA section 4.7.4. The H1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae) feature has been screened into the appropriate assessment due to an exceedance of 1% of the critical level for NOx. However, as HRA section 4.7.16 states that this is below relevant thresholds, we can agree with the conclusion given in 4.7.21 of no adverse effect on integrity from this impact pathway. However, we advise that this has not been carried out for the following features / pathways, therefore, we are unable to move the issue to "Matters Agreed". However, due to the nature of this issue, we are able to move this to "Matters Not Agreed - No Material Impact" for key issues 1 to 3 issue. Please see below for further detail: The features H1110 Sandbanks which are slightly covered by sea water all the time, and H1130 Estuaries are not taken through to appropriate assessment, despite the critical level/load being used for the most sensitive estuary feature in proximity of the development (H1330 Atlantic salt meadows). We agree with the approach of using this feature to determine the	Green Yellow e
		which also takes into account background levels. Please see Step 4b of guidance note NEA001 for further details.					the "worst case" impact within the SAC for all pollutants.			critical level/load, however, as advised previously, due to an exceedance of 1% for the H1330 feature and therefore an identified impact pathway, the H1110 and H1130 features would also need to move to appropriate assessment. However, we advise that there would also be a conclusion of no AEOI from AQ for these features, as concluded for H1330 in 4.7.21, as the same critical level/loads are applied, the justifications provided in 4.7.16 also apply to H1110 and H1130.	
	International designated site • Bumber Feature 1 SAC General comments and further information required in relation to the assessment methodology for air	It is currently unclear as to why the receptor points in the SAC detailed in Table 20 have been chosen, or on what basis nearer habitat types have been excluded. The justification provided is that these are "predominantly water based", however, even where this is the case, the impact of pollutants on these habitat types should be considered in the appropriate assessment if a PC of more than 1%					As noted for issue 1.1, please provide assessment of impacts on the H1130 and H1140 features. However, Natural England concur that is reasonable to exclude the habitat H1110 "Sandbanks		As there is a pathway of impact and the 1% screening threshold is exceeded then AQ cannot be screened out at the Likely Significant Effect		
1	Estuary SAC ● Bumber Estuary SPA ● Bumber Estuary Ramsar Estuary Ramsar Estuary Ramsar Figure 1 and quality impacts from construction and operational phase traffic and/or marine vessel emissions (O) and (C)	either alone or in combination is predicted. Additionally, Table 2 of the HRA appears to suggest there could be sensitive habitat types, including H1130 'Estuaries', H1110 'Sandbanks which are slightly covered by seawater all the time' and H1140 'Mudflats and sandflats not covered by seawater at low tide', in or closer to the footprint of the project. Therefore, these should also be considered. N/a: Further information required N/a: Further information required	Yes	Air Quality - Key Issue 1 - Point 2)	Yes	that could determine no adverse effect of the integrity of the designated site.	which are slightly covered by sea water all the time" from further assessment of nitrogen deposition/ concentration, as this habitat is not considered sensitive to nitrogen/eutrophication (or NOx/ammonia/acidity).	As above	stage and must be considered under the Appropriate Assessment. As the applicant has clarified that the habitat to be within the zone of influence of any AQ impacts is unvegetated mud only, and all or partially tidally inundated, then we can agree that the Appropriate Assessment could determine no adverse effect of the integrity of the designated site.	See comment for KI1, point 1 (cell reference O2)	Green Yellow
	International designated site • Sumbor	At present, the identification of the critical levels (CLe) and critical loads (CLo) for relevant habitat types is unclear, and these are currently referred to as "air quality standards". Although the nitrogen oxides (NOx) CLe is currently correct at 30ug/m3, the CLe for ammonia (NH3) is given as a range					Thank you for providing clarification on terminology (use of a collective term "air quality standards"). We would advise that the terms "critical loads" (for nitrogen and acid deposition) and "critical levels" (for NOx and ammonia) are used alternatively. This is because they do differ, and impact ecosystems in different ways. We agree that application of the lower value of critical load ranges, as stated, is the correct				
1	● Eumber Estuary SAC ● Eumber Estuary SPA ● Eumber Estuary Ramsar Estuary Ramsar Includes Statistic methodology for air quality impacts from construction and operational phase traffic and/or marine vessel emissions (O) and (C)	rather than than stating if either 1 or 3 has been used depending on whether bryophytes and/or lichens are integral to the habitat. The CLe used for ammonia should therefore be more clearly stated. Chapter 13 also does not clearly define the CLo used for nitrogen (N) deposition, with Table 13.4 indicating that the relevant habitat at the SAC is saltmarsh with a critical load of 20-30kgN/ha/yr, whereas Table 13.11 indicates a range of "Air Quality Standards" with the footnote for the SAC	Yes	Air Quality - Key Issue 1 - Point 3)	Yes	of the integrity of the designated site.	approach. We also note that critical loads have been undated on APIS in May 2023 following a Europe-wide	Noted	Accepted - Ideally this would be changed in the documentation to use the standard terminology (Critical Load (Clo) / Critical Level (CLe)). However, this is not essential now we have received confirmation that the term "air quality standards" are being used as a catch-all term for the relevant CL/CLe.	See comment for KI1, point 1 (cell reference O2)	Green Yellow
1	International designated site • Eumber Estuary SAC • Eumber • Eumber • Estuary SAC • Eumber • Construction and	At present, there appears to only be an assessment of onsite traffic NH3 emissions, with no consideration of NH3 for either construction or operational traffic. Please provide further	Yes	Air Quality - Key Issue 1 - Point 4)	Yes	Requires assessment in AA but agree that could determine no adverse effect	Ammonia arising from this road should be considered, alongside any other ammonia-emitting advisor	> There is no defined saltmarsh habitat within 200m of any roads used by IERRT traffic. > The assessment does include NH3 emissions from any road within 200m of the SAC - the jetty and	As there is a pathway of impact and the 1% screening threshold is exceeded then AQ cannot be screened out at the Likely Significant Effect stage and must be considered under the appropriate assessment. As the applicant has clarified that the habitat to be within the zone of influence of any AQ impacts is unvegetated mud only, and all or partially tidally inundated, then we can agree that the Appropriate	See comment for KI1, point 1 (cell reference O2)	Green Yellow
	Estuary SPA ● Bumber Estuary Ramsar Construction and operational phase traffic and/or marine vessel emissions (O) and (C) General comments and	assessment in relation to this.				of the integrity of the designated site.	sources (including non-road traffic) within the site boundary.	the jetty approach road used by IERRT traffic.	Assessment could determine no adverse effect of the integrity of the designated site.		
1	International designated site ● Dumber Estuary SAC ● Dumber Estuary SPA ● Dumber Estuary Ramsar International further information required in relation to the assessment methodology for air quality impacts from construction and operational phase traffic and/or marine vessel emissions (O) and (C)	The current assessment of marine vessels (construction and operational phases) uses the same guidance as for road traffic emissions and assumes that impacts of these emissions should only be considered 200m from the route. Please provide further reference to evidence and/or guidance that this is a reasonable distance to use.	Yes	Air Quality - Key Issue 1 - Point 5)	Yes		We advise that a precautionary approach is taken to model emissions from vessels across the route taken through the SAC, including predicted concentration/deposition at the nearest emergent sensitive habitat. Action: NE (LF) to obtain advice from Air Quality advisor.		stage and must be considered under the Appropriate Assessment. As the applicant has clarified that the habitat to be within the zone of influence of any AO impacts is unvegetated mud only, and all or partially tidally injundated, then we can agree that the Appropriate	See comment for KI1, point 1 (cell reference O2)	Green Yellow
1	International designated site • Eumber Estuary SAC • Elumbor General comments and further information required in relation to the assessment methodology for air quality impacts from 6	Alongside consideration of potential impacts of NOx, NH3 and N deposition, assessment is also	Yes	Air Quality - Key Issue 1 -	Yes	Requires assessment in AA but agree that could determine no adverse effect	assess impacts of acid-deposition on the broad habitat types for any faunal qualifying features (i.e. Action: NE (LF) to obtain advice from Air Quality	> As per the point above, IERRT will generate 1 additional vessel movement per day. The transient emission source will only impact on any one sensitive location for a matter of minutes/day > There are no acidity critical loads applicable to the habitats of either seals or lamprey.	As there is a pathway of impact and the 1% screening threshold is exceeded then AQ cannot be screened out at the Likely Significant Effect stage and must be considered under the Appropriate Assessment. As the applicant has clarified that the habitat to be within the zone of	See comment for KI1, point 1 (cell reference O2)	Green Yellow
	● Bumber Estuary SPA ● Bumber Estuary Ramsar Estuary Ramsar Construction and operational phase traffic and/or marine vessel emissions (O) and (C)	required of acid deposition impacts to relevant designated sites It is also currently unclear how in-combination		Point 6)		of the integrity of the designated site.	lamprey and seal) of the SAC. We acknowledge that the habitats of the bird species associated with the SPA are unlikely to be impacted by acid deposition.	> It would be inappropriate to apply the acidity critical loads for other estuary sensitive habitat as these are based on the effects of acid deposition on rooted macrophytes, which are not relevant to either faunal group.	influence of any AQ impacts is unvegetated mud only, and all or partially tidally inundated, then we can agree that the Appropriate Assessment could determine no adverse effect of the integrity of the designated site.		
	International designated site • Bumber Estuary SAC General comments and further information required in relation to the assessment methodology for air quality impacts from	impacts on designated sites have been assessed. Chapter 20 ('Cumulative and In-combination Effects') states the following: 'It should be noted that the assessment provided in the Traffic and Transport chapter (Chapter 17 of this ES) is inherently a cumulative assessment.' The assessment does not currently specify which plans and/or projects have been considered in the "future baseline" for traffic, or whether any other emitting projects have been included, such as		Air Quality - Key Issue 1 -		Requires assessment in AA but agree that could determine no adverse effect	should also be considered (not just committed development) to ensure the assessment is	> The impact of the IERRT project on N deposition rates at sensitive locations in the SAC was <0.3% of the relevant CL at the time of the assessment.			Green Yellow
	● Eumber Estuary SPA ● Eumber Estuary Ramsar Parameter Estuary Ramsar quality impacts from construction and operational phase traffic and/or marine vessel emissions (O) and (C)	industrial or energy sites. Therefore, it is unclear in the current assessment as to which sources have been scoped in, and in-line with the HRA process, the effects on European sites should be considered alone and in-combination. It is generally well-established that the scope of an in-combination assessment is restricted to plans and projects which are 'live' at the same time as the assessment being undertaken. These can potentially include:		Point 7)		of the integrity of the designated site.	precautionary. It is also unclear if non-road in-combination developments have been included (agricultural developments, stack emissions from energy or industrial developments for example). Such developments can generate air pollution from non-vehicle sources which could impact on the protected sites in combination with the proposed development. The methodology used to identify these should be outlined in the assessment. below. NE shapefiles and Defra's online MAGIC resource was used to identify designations and the location of specific habitat types within them.	of the relevant 1 ug/m3 CL and <1% of the 3 ug/m3 CL. > The impact of the IERRT project on NOx concentrations at senstive locations in the SAC was >1% of	influence of any AQ impacts is unvegetated mud only, and all or partially tidally inundated, then we can agree that the Appropriate Assessment could determine no adverse effect of the integrity of the designated site.	See comment for KI1, point 1 (cell reference O2)	
		• The incomplete or non-implemented parts of plans or projects that have already common cod									
1	International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar General comments and further information required in relation to the assessment methodology for air quality impacts from construction and operational phase traffic and/or marine vessel emissions (O)	See 4.4 of NEA001 for our guidance on what should be considered as part of the in-combination assessment.	Yes	Air Quality - Key Issue 1 - Point 8)	Yes	Requires assessment in AA but agree that could determine no adverse effect of the integrity of the designated site.	Additional information about in-combination assessment has been provided above for key issue 1.7.	As above	As there is a pathway of impact and the 1% screening threshold is exceeded then AQ cannot be screened out at the Likely Significant Effect stage and must be considered under the Appropriate Assessment. As the applicant has clarified that the habitat to be within the zone of influence of any AQ impacts is unvegetated mud only, and all or partially tidally inundated, then we can agree that the Appropriate Assessment could determine no adverse effect of the integrity of the designated site.	See comment for KI1, point 1 (cell reference O2)	Green Yellow
	and (C)										
	International Potential air quality	The HRA screening assessment (Table 3, page 43) rules out likely significant effects (LSE) for potential air quality impacts from construction phase traffic. However, we advise further assessment of these impacts are required as detailed below. Section 13.3.12 currently indicates that site plant					Please provide assessment against the critical levels for NOx and ammonia, as well as against the				
2	designated site ● ● Umber Estuary SAC ● ● Umber Estuary SPA ● ● Umber Estuary Ramsar designated site impacts from construction traffic and/or marine vessel emissions on Humber Estuary SAC/SPA/Ramsar designated features (C)	emissions will emit NO2, PM10 and PM2.5, however, these also emit and contribute to NOx and NH3 emissions, and N denosition	Yes	Air Quality - Key Issue 2 - Point 1)	Yes	Requires assessment in AA but agree that could determine no adverse effect of the integrity of the designated site.	critical loads for nitrogen (N) deposition. As outlined at point KI1.1, if the closest habitat is H1140, this has a NOx critical level of $30\mu g/m^3$ (so further consideration within an appropriate assessment would be required if the process contribution alone or in combination exceeded $0.3\mu g/m^3$ – i.e. 1%). As bryophytes and lichens are not integral to estuarine ecosystems, ammonia would be assessed in relation to the higher plant critical level which is $3\mu g/m^3$ so an increase of $0.03\mu g/m^3$ would require consideration in the appropriate assessment. The impact of construction emissions would also contribute to N deposition which, as previously stated, cannot be excluded for the N sensitive mudflat/estuarine habitat.	 The research that underlies the critical levels for NOx and ammonia are entirely based on the effects of those chemicals on rooted macrophytes (or lichens/bryophytes with regard to ammonia) There is no evidence that either chemical affects intertidal mudflats since the key sensitive features (plants that derive their nutrients from atmosphere or via their root systems) are not present. 	As there is a pathway of impact and the 1% screening threshold is exceeded then AQ cannot be screened out at the Likely Significant Effect stage and must be considered under the Appropriate Assessment. As the applicant has clarified that the habitat to be within the zone of influence of any AQ impacts is unvegetated mud only, and all or partially tidally inundated, then we can agree that the Appropriate Assessment could determine no adverse effect of the integrity of the designated site.	See comment for KI1, point 1 (cell reference O2)	Green Yellow
		is as the site plant emissions could potentially have substantial effects, even if this is only for a limited time.									
2	International designated site • Eumber construction traffic and/or marine vessel emissions on Humber Estuary SPA • Eumber Estuary • Eumber SAC/SPA/Ramsar Estuary Ramsar designated features (C)	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.	Yes	Air Quality - Key Issue 2 - Point 2)	Yes	We are now able to move this <u>aspect</u> or	The 200AADT HDV threshold is a proxy for the 1% of the critical level for NOx/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 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 (incombination) on only a few days will have minimal impact.	Noted	N/a - This <u>aspect</u> of the key issue is now 'green'.	See comment for KI1, point 1 (cell reference O2)	Green Yellow
	Potential air quality International impacts from operational traffic	Natural England requires further information to determine whether we concur with the HRA conclusion in 4.7.12 of no adverse effect on integrity (AEOI) on the Humber Estuary designated sites as a result of the deposition of airbourne					If the NOx critical level itself is not exceeded (including the process contributions (PC)), further justification / assessment should still be made in the appropriate assessment rather than at screening stage, wherever the PC exceeds 1% of the critical level. This is also outlined in our NEA001 guidance.				
3	● Bumber and/or marine vessel emissions to air on Humber Estuary SPA SAC/SPA/Ramsar designated features Estuary Ramsar (O)	pollutants during the operational phase. Further detail around the additional information required is provided below. Table 20 of the HRA states that the Process Contributions (PC) of the development exceed the critical level for annual mean nitrogen oxides (NOx) at three sections of saltmarsh (SAC3: 1.6%, SAC4:	Yes	Air Quality - Key Issue 3 - Point 1)	Yes	that could determine no adverse effect of the integrity of the designated site.	It is likely that were the (in combination) Predicted Environmental Concentration (PEC) predicted to be in the region of 16 µg/m3 at the SAC then Natural England would agree that there would be no adverse effect as a result of NOx. However, it does not always follow that a PEC below the critical level would not result in an adverse impact, dependent on the trends of pollution in the area, any incombination projects, and the extent to which the PEC is below the critical level. It is also reiterated that had closer receptors been identified, they would be anticipated to have experienced higher NOx levels arising as a result of the project.		As there is a pathway of impact and the 1% screening threshold is exceeded then AQ cannot be screened out at the Likely Significant Effect stage and must be considered under the Appropriate Assessment. As the applicant has clarified that the habitat to be within the zone of influence of any AQ impacts is unvegetated mud only, and all or partially tidally inundated, then we can agree that the Appropriate Assessment could determine no adverse effect of the integrity of the designated site.	See comment for KI1, point 1 (cell reference O2)	Green Yellow
	Potential air quality International impacts from operational traffic	Additionally, it is currently unclear whether the						> IERRT will generate 1 additional vessel movement through the estuary per day.			
3	●Bumber Estuary SAC ●Bumber Estuary SPA ●Bumber Estuary SPA ●Bumber Estuary Ramsar (O)	above exceedances for NOx are associated with road traffic or marine vessels. Natural England therefore require further details around the emission source(s) associated with these exceedances. N/a: Further information required N/a: Further inf	Yes	Air Quality - Key Issue 3 - Point 2)	Yes		This clarification is welcomed. However, as the vessels may pass closer to sensitive habitats (see earlier points in relation to features H1130 and H1140) than the currently identified receptors, please provide further assessment of this aspect. Action: NE (LF) to obtain advice from Air Quality advisor.	- Nemiccions from that voccol will francions as it naccos shrough the estuary and will only impact on a	As there is a pathway of impact and the 1% screening threshold is exceeded then AQ cannot be screened out at the Likely Significant Effect stage and must be considered under the Appropriate Assessment. As the applicant has clarified that the habitat to be within the zone of influence of any AQ impacts is unvegetated mud only, and all or partially tidally inundated, then we can agree that the Appropriate Assessment could determine no adverse effect of the integrity of the designated site.	See comment for KI1, point 1 (cell reference O2)	Green Yellow
	Potential air quality International designated site oBumber Potential air quality impacts from operational traffic and/or marine vessel	The mitigation currently proposed is generic and unquantified. Although it is currently stated that there is no requirement for mitigation in the HRA,					As identified for key issue 3.1, although the PEC does not exceed the NOx critical level, this should be considered at the appropriate assessment stage, where the 1% screening criteria is exceeded. The impact at closer receptor points should also be assessed, where NOx concentrations are	NH3 impacts to 2-deciaml places are as follows: - SAC1 0.09 of the 1ug/m3 and 0.03% of the 3ug/m3 CL.			
3	Estuary SAC •	this is not clearly set out at present. For example operational onsite emissions currently appear to lead to an exceedance of NH3 and NOx at several SAC receptors, so mitigation should be considered within the HRA. 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	Yes	Air Quality - Key Issue 3 - Point 3)	No		greatest. In relation to ammonia, Table 13.16 of the ES indicates that the change in ammonia concentration would be "<0.1µg/m3" which is quoted as <1% of the critical level. Assuming at this location, the critical level is 3µg/m3 (as bryophytes and lichens are not integral to estuarine habitats, according to APIS) a value of 0.1µg/m3 represents 3.3% of the critical level. Please provide the actual values (rather than rounded values) before NE can provide further comment.	- SAC2 0.03 of the 1ug/m3 and 0.01% of the 3ug/m3 CL SAC3 0.15 of the 1ug/m3 and 0.05% of the 3ug/m3 CL SAC4 0.15 of the 1ug/m3 and 0.05% of the 3ug/m3 CL SAC5 0.11 of the 1ug/m3 and 0.04% of the 3ug/m3 CL.	This aspect to be amended in the document as is currently unclear. Table 13.16 to be amended accordingly in line with our previous comments.	See comment for KI1, point 1 (cell reference O2)	Amber Yellow
4	designated sites ●Bumber Estuary SAC ●Bumber Estuary SPA ●Bumber Estuary SPA ●Bumber Estuary SPA ●Bumber Estuary Ramsar (C)	habitats closest to the construction site are marine habitats and are therefore not sensitive to changes in air									
5		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 20 m of the construction site boundary are tidal mudflats and such habitat is not considered sensitive to air quality or construction dust impacts, because the	Yes	Air Quality - Key Issue 4 - Point 1)	Yes	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.	Noted	N/a Nowa 'Green' issue	Natural England advised on 30 June 2023 that impacts of construction dust on the Humber Estuary could be ruled out. However, we also welcome that the H1140 Mudflats and sandflats not covered by seawater at low tide feature has been screened into the appropriate assessment for construction dust impacts. As it has previously been confirmed that unvegetated mud only, and this is either all or partially tidally inundated, we can confirm agreement with no adverse effect on integrity from this impact pathway, as concluded in HRA section 4.7.4.	Green Yellow
	International General comments / designated further information sites required in relation to • Eumber SPA / Ramsar bird 1	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 20 m 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 denosited dust away "We advise that although it is 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/lower numbers' to be comparative and open to interpretation. We advise that bird numbers should be quantified through specific references to N/a: Further information required	Yes	Point 1) Bird Disturbance - Key	Yes	to 'green'. We are now able to move this <u>aspect</u> o	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. It was agreed that the ExA and SoS are responsible for drafting the final HRA. Capture in SoCG.	Noted Final HRA is to be produced by SoS.	N/a - Now a 'Green' issue	sandflats not covered by seawater at low tide feature has been screened into the appropriate assessment for construction dust impacts. As it has previously been confirmed that unvegetated mud only, and this is either all or partially tidally inundated, we can confirm agreement with no adverse effect on integrity from this impact pathway, as concluded in HRA section 4.7.4. This has now been addressed in Table 2 in Section 3 of the HRA. Table 2 is also cross-referenced in Table 4. Furthermore, where reference to bird numbers is made, this is put into	Green Yellow Green Green
	designated further information sites required in relation to	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 20 m 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 denosited dust away" We advise that although it is 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/lower numbers' to be comparative and open to interpretation. We advise that bird numbers	163	Point 1)	Yes	to 'green'.	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. It was agreed that the ExA and SoS are responsible for drafting the final HRA. Capture in SoCG.		N/a - Now a 'Green' issue	sandflats not covered by seawater at low tide feature has been screened into the appropriate assessment for construction dust impacts. As it has previously been confirmed that unvegetated mud only, and this is either all or partially tidally inundated, we can confirm agreement with no adverse effect on integrity from this impact pathway, as concluded in HRA section 4.7.4.	
5	designated further information required in relation to ● Bumber SPA / Ramsar bird 1 Estuary SPA species data ● Bumber	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 20 m 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 denosited dust away " We advise that although it is 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/lower 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	163	Point 1) Bird Disturbance - Key	Yes	We are now able to move this aspect of the key issue to 'green'.	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 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. It was agreed that the ExA and SoS are responsible for drafting the final HRA. Capture in SoCG. Action: ABP project team to consider if it is possible to update the HRA Report submitted with the DCC application.		N/a - Now a 'Green' issue	sandflats not covered by seawater at low tide feature has been screened into the appropriate assessment for construction dust impacts. As it has previously been confirmed that unvegetated mud only, and this is either all or partially tidally inundated, we can confirm agreement with no adverse effect on integrity from this impact pathway, as concluded in HRA section 4.7.4. This has now been addressed in Table 2 in Section 3 of the HRA. Table 2 is also cross-referenced in Table 4. Furthermore, where reference to bird numbers is made, this is put into	
5	designated sites • Humber Estuary SPA • Humber Estuary Ramsar International designated sites • Humber Estuary SPA • Humber Estuary Ramsar General comments / further information required in relation to SPA / Ramsar bird sites • Humber Estuary SPA • Humber Estuary Ramsar (C) and (O)	quality due to dust smothering". Section 13.8.20 of Chapter 13 of the ES also states the following: "the areas of the ASAC/SPA that are within 20 m 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 denosited dust awaw." We advise that although it is 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/lower 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)'. 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. In the justification section of Table 4 of the HRA, we would prefer to see a list of which species have been recorded in internationally, nationally and regionally important numbers. As described for	Yes	Bird Disturbance - Key Issue 5 - Point 1)	Yes	We are now able to move this aspect of the key issue to 'green'. We are now able to move this aspect of the key issue to 'green'.	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 all 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. It was agreed that the EXA and SoS are responsible for drafting the final HRA. Capture in SoCG. Action: ABP project team to consider if it is possible to update the HRA Report submitted with the DCC application. 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		N/a - Now a 'Green' issue N/a - This aspect of the key issue is now 'green'.	sandflats not covered by seawater at low tide feature has been screened into the appropriate assessment for construction dust impacts. As it has previously been confirmed that unvegetated mud only, and this is either all or partially tidally inundated, we can confirm agreement with no adverse effect on integrity from this impact pathway, as concluded in HRA section 4.7.4. This has now been addressed in Table 2 in Section 3 of the HRA. Table 2 is also cross-referenced in Table 4. Furthermore, where reference to bird numbers is made, this is put into context of estuary wide populations.	Green Green
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5	designated sites •Bumber Estuary SPA •Bumber Estuary Ramsar International designated sites •Bumber Estuary SPA •Bumber Estuary Ramsar International designated sites •Bumber Estuary SPA •Comments / further information required in relation to SPA / Ramsar bird species data International designated sites •Bumber Estuary SPA •Comments / further information required in relation to SPA / Ramsar bird species data International designated sites •Bumber Estuary SPA •Bumber Estuary SPA •Comments / further information required in relation to SPA / Ramsar bird species data	quality due to dust smothering". Section 13.8.20 of Chapter 13 of the E3 also states the following: "the areas of the SAC/ SPA that are within 20 mof the construction site boundary are tidal mudflats and such habitat is not considered ensitive to air quality or construction dust impacts, because the tidal nature of the estuary will regularly wash denosited dust awaw." We advise that although it is 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/flower 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)". Table 4 of the HRA details potential impacts that could result in LSE on features of the Humber Setuary 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. In the justification section of Table 4 of the HRA, we would prefer to see a list of which species have been recorded in internationally, nationally and regionally important numbers. As described back-tailed godwit as being 'regularly recorded', however, this species occurs in internationally important numbers as the application site, and this should be considered as heigh; ir featively low numbers, but are present in regionally important numbers at the application site. Additionally, Table 4 describes black-tailed godwit as being 'regularly recorded', however, this species occurs in internatio	Yes	Bird Disturbance - Key Issue 5 - Point 1) Bird Disturbance - Key Issue 5 - Point 2)	Yes	We are now able to move this aspect o the key issue to 'green'. We are now able to move this aspect o the key issue to 'green'.	acknowledged that sediment loading to the habitat will be much greater than that arising with mitigated construction dust. Although Natural Talpaid 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 reason would be most affect to enclusion 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. It was agreed that the EvA and SoS are responsible for drafting the final HRA. Capture in SoCG. Action: ABP project team to consider if it is possible to update the HRA Report submitted with the DCC application. 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.		N/a - This <u>aspect</u> of the key issue is now 'green'. N/a - This <u>aspect</u> of the key issue is now 'green'.	sandflats not covered by seawater at low tide feature has been screened into the appropriate assessment for construction dust impacts. As it has previously been confirmed that unvegetated mud only, and this is either all or partially tidally inundated, we can confirm agreement with no adverse effect on integrity from this impact pathway, as concluded in HRA section 4.7.4. This has now been addressed in Table 2 in Section 3 of the HRA. Table 2 is also cross-referenced in Table 4. Furthermore, where reference to bird numbers is made, this is put into context of estuary wide populations. Now provided in Appendix A - Annex A.1 of HRA.	Green Green
5	designated sites *Bumber Estuary SPA *Bumber Estuary Ramsar International designated sites *Bumber Estuary SPA *Bumber Estuary SPA *Bumber Estuary SPA *Bumber Estuary SPA *Bumber Estuary Ramsar International designated sites *Bumber Estuary SPA *Bumber Estuary SPA SPA / Ramsar bird species data International designated sites *Bumber Estuary SPA species data General comments / further information required in relation to SPA / Ramsar bird species data General comments / further information required in relation to SPA / Ramsar bird species data Bumber Estuary SPA species data General comments / further information required in relation to SPA / Ramsar bird species data	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 20 m 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 denosited dust awaw." We advise that although it is 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/lower 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)". 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. In the justification section of Table 4 of the HRA, we would prefer to see a list of which species have been recorded in internationally, nationally and regionally important numbers. As described for Table 2, we consider terms such as "low/lower numbers" to be comparative and open to interpretation. For example, turnstone are described as being in 'relatively low' numbers, but are present in regionally important numbers at the application site. Additionally, Table 4 describes black-tailed godwit as being 'regularly recorded', however, this species occurs in internationally important numbers at	Yes	Bird Disturbance - Key Issue 5 - Point 1) Bird Disturbance - Key Issue 5 - Point 2)	Yes	We are now able to move this aspect of the key issue to 'green'. We are now able to move this aspect of the key issue to 'green'. Awaiting advice from NE Specialists. Advice to follow	acknowledged that sediment loading to the habitat will be much greater than that arising with mitigated construction dust. Although Natural Talpaid 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 reason would be most affect to enclusion 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. It was agreed that the EvA and SoS are responsible for drafting the final HRA. Capture in SoCG. Action: ABP project team to consider if it is possible to update the HRA Report submitted with the DCC application. 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.	Final HRA is to be produced by SoS. Final HRA is to be produced by SoS.	N/a - This <u>aspect</u> of the key issue is now 'green'. N/a - This <u>aspect</u> of the key issue is now 'green'.	sandflats not covered by seawater at low tide feature has been screened into the appropriate assessment for construction dust impacts. As it has previously been confirmed that unvegetated mud only, and this is either all or partially tidally inundated, we can confirm agreement with no adverse effect on integrity from this impact pathway, as concluded in HRA section 4.7.4. This has now been addressed in Table 2 in Section 3 of the HRA. Table 2 is also cross-referenced in Table 4. Furthermore, where reference to bird numbers is made, this is put into context of estuary wide populations. Now provided in Appendix A - Annex A.1 of HRA.	Green Green
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Table 4 of the HRA details potential impacts that could result in LSE an features of the Humber Stuary SPA. We would advise that bird data should be presented prior to this table, in particular tables 9.19 and 9.2 from the SA official value, combining the wintering and passage data for 20.22 would provide a clearer picture of bird usage across the year. At present, all wintering data is summarised to give pask counts in each first usage across the year. At present, all wintering data is summarised to give pask counts in each will summary of this information. In the justification section of Table 4 of the HRA, we would provide a more useful summary of this information. In the justification section of Table 4 of the HRA, we would prefer to see all stof which species have been recorded in internationally, rataleal describes to ratale 2, we conside terms such as Towylower numbers' to be comparative and open to interpretation. 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This <u>aspect</u> of the key issue is now 'green' <u>12.5 uv 2021</u> , ARP provided a paper clarifying which specked fail within the 5PA assemblage. This information nexts to be included in the final HRA, otherwise no further common.	sandlate indicessed by seasons at low ide feature has been screened into the appropriate assessment for construction dust impacts. As it has previously been confirmed that unregatated and only, and this is either all or partially deally immediated, we can confirm appearent with no adverse effect on integrity from this impact pathway, as concluded in HAA screened. A.7.4. This has new been addressed in Table 2 in Section 3 of the HAA. Table 2 is also cross-referenced in Table 4. Forthermore, where reference to bird numbers is made, this is put into context of extrany wide populations. Non-provided in Appendix A - Annex A.1 of HAA. The cross-references to Table 2 (which provided reference to data), are non-provided in Table 4. Table 2 refers to Appendix with bird data.	Green Green Green Green
5	designated sites •Bumber Estuary Ramsar International designated sites •Bumber Estuary Ramsar International designated sites •Bumber Estuary Ramsar International designated sites •Bumber Estuary SPA •Bum	audilly due to distal smothering?, Section 13.8.20 of Chibatry 13 of the Sisk of Sex that are within 20 m of the construction site boundary are total murditas and such shaltad is not considered sensitive to are quality or construction dust impacts, because the total nature of the estuary valid regularly roots to consider are made. "We additionably assist to consider are made." We additionably assist to describe similates of 359, Permais land "low/lower numbers" to be comparative and open to interperation. We addite that bird numbers should be quantified through specific references to the data. For example, through referring to the runness of birds in relation to their estuary population, with privaces such on surveys (less/more than) 13-6 of the estuary spopulation (five year mess)." Table 4 of the HRA details potential impacts that could result in LSE on features of the Humber Situary SPA. We would advice that bird data should be presented or nor that bird for 2022 would were. As present, all watering data is summary of this eight of the country of the country of the country of the vound profer to see a list of which spoces have been recorded in internationally, nationally and regionally important numbers. As described for Table 2, we consider terms such as how/lower runness to be comparative and open to described as obeing in featurely flow in the regionally important numbers at the application site. Additionally, Table 4 discribed black-tailed power as being regularly recorded, however, this species occurs in internationally important numbers at the application site, and this should be considered as highly significant. Veraidose that Table 10 [4-33, page 139] provides a more detailed assissment of the impacts on key species, present proposed will be effective. We addise that Table 10 [4-33, page 139] provides a more detailed assissment of the impacts on key species, present of the country of the countr	Yes	Bird Disturbance - Key Issue 5 - Point 1) Bird Disturbance - Key Issue 5 - Point 2) Bird Disturbance - Key Issue 5 - Point 3)	Yes	We are now able to move this aspect of the key issue to 'green'. We are now able to move this aspect of the key issue to 'green'. Awaiting advice from NE Specialists. Advice to follow	action action and action of the sale that the implication store and action (and in the sale of the sal	Table 9:19 and Table 9:20 in Chapter 9 of the ES present data for the species that occur in Sector 8, and those that form part of the SPA assemblages specie are indicated. SPA assemblage species have also been clarified in the signposting document on Titro Disturbance. The SSSF signposting document also provides further information on SPA assemblage species. Chapter 9 of ES provides overview of wider Humber Estuary. Noted that NE are familiar and have access to data.	N/A. This gazet of the key lessed in now green? N/A. This gazet of the key lessed in now green? N/A. This gazet of the key lessed in now green? N/A. This gazet of the key lessed in now green? Difficult to check this in detail, but we could expect more specific conding to be used in the find 1804. Difficult to check this in detail, but we could expect more specific conding to be used in the find 1804. This gazet of the key lessed in now green? <u>2.5.36.2323.</u> ASP provided a power destinates the find 1804 in the find 1804. This gazet of the key lessed in now green? <u>2.5.36.2323.</u> ASP provided a power destinates and another consequent. This gazet of the key soud is now green? <u>2.5.36.2323.</u> ASP have provided bird due for immediates some yeard on A and C. This prior motion weeks to be included in the find 1804, otherwise on further consequent. The gazet of the key soud is now green. <u>2.5.36.2323.</u> ASP have provided bird due for immediates some yeard on A and C. This prior motion weeks to be included in the find 1804, otherwise on further consequent in the find 1804 in the destination of the destination of the find 1804 in the find 1804 in the destination of the find 1804 in th	and that is a covered by sended at this process, but the process of the covered of the process o	Green Green Green Green Green Green
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International designated visual disturbance during construction on qualifying SPA / Ramsar 7 Estuary SPA bird species. ● Bumber Estuary Ramsar (C)	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.)		Yes	Bird Disturbance - Key Issue 7 - Point 5)	Yes	We are now able to move this <u>aspect</u> of the key issue to 'green'.	e final HRA should reflect the construction programme, for example making it clear if the wo will extend over more than one year.	rks	Final HRA is to be produced by SoS.	N/a - This <u>aspect</u> of the key issue is now 'green'.	Paragraphs 1.2.5 to 1.2.7 indicated that capital dredge can take place 24 hours a day 7 days a week, but similar detail has not been provided for piling and other construction activities. This therefore remains an ongoing matter.	Amber	Amber
International designated sites during construction on qualifying SPA / Ramsar Estuary SPA bird species. International Potential noise and visual disturbance during construction on qualifying SPA / Ramsar 8 bird species.	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 definition 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	We are now able to move this <u>aspect</u> of the key issue to 'green'.	Point addressed, but please ensure that increase in vessel movements is included in the HRA	A.	Final HRA is to be produced by SoS.	N/a - This <u>aspect</u> of the key issue is now 'green'.	This has been addressed in paragraph 4.10.45. Resolved.	Green	Amber
International designated sites during construction on qualifying SPA / Ramsar 9 Estuary SPA bird species. Estuary Ramsar (C)	Section 4.10.24 (page 221) mentions that there wi be less than one week where noise levels are likely to be disturbing. However, detail has not been provided around when this is expected to occur, and whether this is occurring outside of the most sensitive period.	N/a: Further information required	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	Action: NE to review document.	This is addressed in 'Bird Disturbance' signposting document (page 10). The capital dredging is assessed to occur at any time of year (including sensitive periods) as a worst case.	This <u>aspect</u> of the key issue is now 'green'. <u>Note/update 25 July 2023:</u> This comment only relates to capital dredge works and ABP have confirmed that the works could take place at any time of year in line with maintenance dredging. No further comment.	This information has been included in paragraph 4.10.27. Resolved.	Green	Amber
International designated sites • Eumber Estuary SPA • Umber Estuary Ramsar • Estuary Ramsar	Section 4.10.29 states that birds that are disturbed from intertidal areas by construction works can us other areas beyond 200m of works (Figure 9.10 of the ES), or could feed at night around the construction zone (once work has stopped). If. birds are already feeding at night, this does not represent an additional feeding period to make up for the effects of construction disturbance. Further assessment is required around the potential energetic costs to birds as a result of this level of	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 8)	N/a	Awaiting advice from NE Specialists. Advice to follow	Awaiting advice from NE Specialists. Advice to follow			Further assessment will be required around this element. With regard to energy budgets it is important to note that one of the key species we are concerned with is black-tailed godwit, which is on the edge of its range around the humber and can be particularly tight on its energy budget, especially if food is scarce and weather is harsh. Further advice from ornithologist on signposting document which refers to Collop et al. (2016): The Collop et al. (2016) paper does not consider one of the key species of concern which would be black-tailed godwit. Alves et al. (2013) found that the black-tailed godwit population that winters on the East coast of England are energetically stressed with the energy demand in January-March exceeding the energy input in their studies. Godwits wintering in this location must feed during both low tides. References: C. M. Beale and P. Monaghan. 2004. Behavioural responses to human disturbance: a matter of choice?, Animal Behaviour, Volume 68, Issue 5. WeBS Low Tide Count Data suggests that black-tailed godwit are more restricted than other species in where they will feed at low tide. Alkborough Flats, Reads Island Flats and the Sectors from Halton Marshes to Pyewipe (including Immingham) appear to be of key	We welcome the additional information provided in Table 29, however, it is the view of our ornithologists that black tailed godwits are at their energetic northern limit on the Humber on the east coast in the winter. The species will occur on passage on coastlines further north (and possibly in small numbers over the winter), but in terms of large numbers of overwintering black tailed godwits, the Humber Estuary is the northern limit on the east coast. It is therfore very important that this species can use foraging areas on the Humber at both low tides, particularly during the coldest months. This therefore remains an ongoing matter.	Amher	Amber
International designated sites • • • • • • • • • • • • • • • • • • •	Section 4.10.30 identifies the percentage of intertidal mudflat affected by the development (within 200m) compared to the estuary resource. Natural England consider that the area of habitat relevant to the estuary resource is not as relevant as the number of birds, and if an area supports important numbers of any SPA / Ramsar bird species, it should be considered of high importance	N/a: Further information required	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	Action: NE to check and review whether this point can be turned 'green'.	NE has been provided with detail on numbers of birds occuring in the area, and whether the area supports important numbers of SPA / Ramsar bird species. It is not clear what specific point needs addressing.	importance to this species. It is recommended then that the loudest/most disturbing elements of construction take place during the	This point relates to Key issue 6 and is now resolved.	Green	Amber
International designated sites The Humber Estuary SPA Estuary Ramsar Estuary Ramsar (C) Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species.	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.	e N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 9)	Yes	We are now able to move this <u>aspect</u> of the key issue to 'green'.	Correct species list should be included in the final HRA.		Final HRA is to be produced by SoS.	N/a - This <u>aspect</u> of the key issue is now 'green'.	Shelduck are now included in the list provided in paragraph 4.10.33.	Green	Amber
International designated sites The stuary SPA of Lumber Estuary Ramsar International designated visual disturbance during construction on qualifying SPA / Ramsar bird species. International visual disturbance during construction on qualifying SPA / Ramsar bird species. International visual disturbance during construction on qualifying SPA / Ramsar bird species. International visual disturbance during construction on qualifying SPA / Ramsar bird species.	It should also be recognised that areas of mudflat vary in terms of prey availability and disturbance levels, and therefore vary in their importance as SP, bird feeding areas. Birds disturbed from important feeding areas are not necessarily able to find alternative mudflats with additional feeding capacity at the relevant times.	A	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	Action: NE to check and review whether this point can be turned 'green'.	NE and the ABP project team are in agreement on this point, and this has been taken account of in the ES and HRA. It is not clear what specific point needs addressing.	This <u>aspect</u> of the key issue is now 'green'. <u>Note/update 25 July 2023:</u> The draft HRA states that it is expected that if birds are disturbed (after mitigation measures are applied) they will relocate to other mudflats. Final HRA should consider the likelihood that birds will relocate and whether there is additional capacity in those areas.	The updated assessment states that birds are expected to be able to continue to feed on the mudfalt in the area of the Project (with mitigation in place) with flight responses expected to be localised to the Sector B area, rather than displacement to other areas of mudflat. This is described in Table 29. This point of KI7 is resolved, however, please note the recommendation to use an Ecological Clerk of Works to ensure mitigation measures are adhered to and to monitor response of birds to construction noise.	Green	Amber
International designated sites • Eumber Estuary SPA • Dumber Estuary Ramsar • C(C)	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".	t N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 10)	Yes	We are now able to move this <u>aspect</u> of the key issue to 'green'.	No further comment.			N/a - This <u>aspect</u> of the key issue is now 'green'.	We consider this specific point of KI7 resolved.	Green	Amber
International designated sites • Estuary SPA • Eumber Estuary Ramsar International designated visual disturbance during construction on qualifying SPA / Ramsar bird species. (C)	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	We are now able to move this <u>aspect</u> of the key issue to 'green'.	cisfied that this issue has been addressed, but the information needs to be included within t final HRA.	the	Final HRA is to be produced by SoS.	N/a - This <u>aspect</u> of the key issue is now 'green'.	This information has now been provided in paragraph 4.3.35.	Green	Amber
International designated sites • Eumber Estuary SPA • Eumber Estuary Ramsar • Estuary Ramsar • C) Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species. (C)	Section 4.10.35 states that mitigation measures have been discussed with Natural England. Although 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	We are now able to move this <u>aspect</u> of the key issue to 'green'.	sponse noted, but does not change our comment that mitigation measures have not been for agreed with NE.	ully		N/a - This <u>aspect</u> of the key issue is now 'green'.	We consider this specific point of KI7 resolved.	Green	Amber
International designated sites during construction on qualifying SPA / Ramsar Estuary SPA bird species. International designated visual disturbance during construction on qualifying SPA / Ramsar bird species. Estuary Ramsar (C)	Note: The following paragraphs are in the: "Comments on proposed mitigation measures for construction disturbance" section of key issue 7. In general, Natural England would expect to see a greater focus on the SPA / Ramsar species that occur in very high numbers on this site (including black tailed godwit, turnstone, redshank, shelduck and dunlin), and how effective the mitigation measures will be in addressing the potential impace.	N/a: Further information required k t	Yes	Bird Disturbance - Key Issue 7 - Point 13)	No	N/a - Further information required.	was not able to comment in detail on Table 29 until we had the wintering and passage bird o together. Therefore we will comment further on this aspect in the final HRA.	The ABP project team explained that the conclusions reached in Table 29 are not changed by the clarifications provided in the signposting documents. NE to provide extra information on this point. NE	Final HRA is to be produced by SoS.	NE have reviewed Table 29 (Construction disturbance to SPA birds) which states that there will be no adverse effect with mitigation measures in place. The mitigation measures to avoid construction disturbance have been reviewed by NE and additional queries sent to ABP on 19 July. Further information provided to NE on 28 July. NE still has concerns about construction disturbance and the effectiveness of mitigation measures, and this should be addressed in further detail in the final HRA. In particular we are concerned that piling will take place during the winter when significant numbers of birds are using sector B, and that this is likely to lead to displacement of birds to other areas of the estuary.	Information has been provided in Table 29 and in Appendix E. This includes Figure E1 showing noise modelling for the outer pier. Please also include a figure which shows noise modelling for the inner pier and the approach jetty and explain how mitigation measures will address impacts for construction disturbance on intertidal areas. Please also see: IERRT	Amber	Amber
International designated sites • Eumber Estuary SPA • Eumber Estuary Ramsar • Estuary Ramsar	A cold weather construction restriction has been proposed which involves the temporary cessation of all construction activity following seven days of freezing weather. This is based on JNCC wildfowling restrictions. Natural England advise that work should stop after three days of freezing weather. However, long periods of freezing weather on the Humber Estuary are uncommon, so it is unlikely this restriction will be needed.	n f g N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 14)	N/a	Awaiting advice from NE Specialists. Advice to follow	Awaiting advice from NE Specialists. Advice to follow	highlighted that birds would be affected by long periods of cold weather which could be exacerbated by strong winds and storm conditions. NE asked whether storm conditions are likely to stop work. ABP explained that certain high wind conditions may stop works but this will very much depend on the the contractor, the work being undertaken, the exact equipment used, and the precise weather conditions.		the JNCC 7 day stop was developed in relation to wildfowling, wildfowling clubs often choose to stop much earlier than 7 days in very	The proposed cold weather construction restriction in the Written Representation Signposting Document is based on the JNCC's scheme to reduce disturbance to waterfowl due to shooting activity in severe winter weather. This scheme applies a restriction to the activity after freezing conditions (determined from minimum air and grass temperatures) for seven e consecutive days. The proposed restriction in the ES and HRA is, therefore, considered appropriate and based on established working practices. We now consider this specific point of KI7 resolved.	Green	Amber
International designated sites 7	We note that winter marine construction is proposed to be restricted from 01 October to 31 March for construction activities within 200m of SPA/Ramsar bird feeding areas, unless screens/acoustic barriers have been installed. We advise that the dates of restricted winter working should be related to the dates that significant numbers of birds are present on the mudflats. Winter working restrictions should also be focused on the activities that are most likely to be disturbing to birds, such as piling. Additionally, the winter bird data is currently only presented as an annual summary (Table 9.19 of the ES). Data for each month will be required to support the winter restriction proposal. For the passage period (Table 9.20 of the ES) several species are shown occurring in significant numbers, including black tailed godwit, redshank and turnstone, the assessment should state how impacts on these species will be addressed.	N/a: Further information required e	Yes	Bird Disturbance - Key Issue 7 - Point 15)	N/a	Awaiting advice from NE Specialists. Advice to follow	Awaiting advice from NE Specialists. Advice to follow			Update 25 July 2023: NE has reviewed the mitigation measures in more detail and how they relate to the different work areas (capital dredge, jetty construction etc). ABP was asked for further clarification in an email on 19 July. Response provided on 28 July. See issue 7 point 13, we still have concerns about impacts of construction disturbance on birds during the winter.	NE acknowledges that additional information has been provided, however please see: IERRT Appendix 1: Comments on the HRA related to SPA/ Ramsar birds, November 23. This remains an ongoing matter.	Amber	Amber
International designated visual disturbance during construction on qualifying SPA / Ramsar Estuary SPA bird species. International Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species. Estuary Ramsar (C)	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	We are now able to move this <u>aspect</u> of the key issue to 'green'.	Information should be included in the HRA.		Final HRA is to be produced by SoS.	N/a - This <u>aspect</u> of the key issue is now 'green'.	NE acknowledges that additional information has been provided, however please see: IERRT Appendix 1: Comments on the HRA related to SPA / Ramsar birds, November 2023. Not fully resolved.	Green	Amber
International designated sites during construction on qualifying SPA / Ramsar Estuary SPA bird species.	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	e N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 17)	Yes	We are now able to move this <u>aspect</u> of the key issue to 'green'.	Information should be included in the HRA.		Final HRA is to be produced by SoS.	N/a - This <u>aspect</u> of the key issue is now 'green'.	Information provided in Appendix E. We have no further comment on this specific point of KI7.	Green	Amber
International designated sites • Estuary SPA • Estuary SPA • Estuary Ramsar Estuary Ramsar (C) Potential noise and visual disturbance during construction on qualifying SPA / Ramsar bird species. (C)	we note that a soft start for any piling required has been stated as a mitigation measure to address the impacts on SPA/Ramsar birds. Further evidence should be presented that this is effective mitigation for birds (as well as fish and marine mammals).	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 18)	N/a	Awaiting advice from NE Specialists. Advice to follow	Awaiting advice from NE Specialists. Advice to follow			There is no robust evidence to suggest that soft start piling prevents disturbance caused by the noise. Birds are still likely to move away, but it does reduce a 'startle' impact so that birds perhaps use less energy as they move away. NE advice is not to rely on soft start piling a mitigation measure for SPA birds.	Information provided in Appendix E. Our previous comment remains, however, the main point is the effectiveness of the overall package of mitigation measures on reducing impacts to wintering SPA birds, rather than the specific use of soft start piling.	Amber	Amber
International designated visual disturbance during construction on qualifying SPA / Ramsar Estuary SPA bird species. • Eumber Estuary Ramsar (C)	The section on mitigation measures should also assess the certainty that the mitigation measures proposed will be effective with reference to the SPA/Ramsar bird species that occur in significant numbers within the working area. This should identify whether mitigation measures will address all expected impacts throughout the period that birds occur in significant numbers in	N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 19)	No	N/a - Further information required.	The final HRA should assess the certainty that mitigation measures will be effective.	ABPmer explained that the proposed mitigation measures are based on standard practice for other similar developments, supporting scientific evidence, as well as project specific airborne noise modelling. This is described in the ES, HRA and the 'Bird Disturbance' signposting document. On this basis, it is considered that the proposed mitigation measures will be effective in reducing any potential disturbance.	Final HRA is to be produced by SoS.	Update 25 July 2023: NE has considered the mitigation measures for each of the proposed work areas (capital dredge, jetty construction etc.) in more detail and we sent queries to ABP on 19 July. ABP provided advice on 28 July. See key issue 7, point 13, as we still have concerns about the impact of construction disturbance during the winter on SPA birds.	NE acknowledges that additional information has been provided, however please see: IERRT Appendix 1: Comments on the HRA related to SPA/ Ramsar birds, November 23	Amber	Amber
International designated sites sites Gumber Estuary SPA Gumber Estuary Ramsar Gumbar G	such as "occurs in numbers over 10% of the estuary population	g N/a: Further information required	Yes	Bird Disturbance - Key Issue 7 - Point 20)	Yes	We are now able to move this <u>aspect</u> of the key issue to 'green'.	The final HRA should refer to bird numbers in relation to bird data.		Final HRA is to be produced by SoS.	N/a - This <u>aspect</u> of the key issue is now 'green'.	Where reference is made to bird numbers in Table 29, this is now put into context of estuary wide populations.	Green	Amber
International designated visual disturbance during construction on qualifying SPA / Ramsar Estuary SPA bird species.	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.		Yes	Bird Disturbance - Key Issue 7 - Point 21)	Yes	We are now able to move this <u>aspect</u> of the key issue to 'green'.	ABP expects that final HRA will include all relevant information.		Final HRA is to be produced by SoS.	N/a - This <u>aspect</u> of the key issue is now 'green'.	NE acknowledges that additional information has been provided, however please see: IERRT Appendix 1: Comments on the HRA related to SPA/ Ramsar birds, November 23	Green	Amber
International Potential noise and designated visual disturbance sites during operation on	Section 4.10.46 (page 237) of the HRA notes that "Birds are regularly recorded feeding nearby or below port structures such as jetties or pontoons and appea	: or		Bird Disturbance - Key		Awaiting advice from NE Specialists.				If there is evidence to show birds feeding nearby and below port structures then that would be very useful to illustrate (for shelduck,			
8 ● Eumber qualifying SPA / Ramsar 1 Estuary SPA bird species. ● Eumber Estuary Ramsar (O) International Potential noise and	to be relatively tolerant to normal day-to-day port operational activities". Further information should be provided around which bird species this is referring to. Section 4.10.49 details mitigation measures proposed during operation, including screening on the foreshore, phased removal of screens after 2 years, and screening for	N/a: Further information required	Yes	Issue 8 - Point 1	N/a	Advice to follow.	Awaiting advice from NE Specialists. Advice to follow			curlew and black-tailed godwit especially) / aid robust assessment of habituation and potential impacts of both construction and operational phases.	Further information and clarification is now provided in paragraph 4.10.50.	Green	Green
designated sites during operation on qualifying SPA / Ramsar 2 Estuary SPA bird species. Estuary Ramsar (O)	the linkspan and approach jetty. NE agrees that this mitigation will be helpful in reducing bird disturbance of birds that continue to use the site, however, further information is required around the reasons that the screening cannot be permanent. Permanent screening would make it more likely that birds might habituate and	N/a: Further information required	Yes	Bird Disturbance - Key Issue 8 - Point 2	N/a	Awaiting advice from NE Specialists. Advice to follow.	Awaiting advice from NE Specialists. Advice to follow			This <u>aspect</u> of the key issue is now 'green'. <u>Note:</u> We are satisfied that that if there is evidence to show that birds are feeding within 10-20m of exisiting busy jetties at this location, it is likely that the birds will do so next to the proposed jetty after a period of time. Moreover, maintenance of permenant screening would need to be a regular event and would be disturbing in itself and so removal of screening after a period of time is a sensible approach.	We consider this specific point of KIR resolved	Green	Green
International designated sites • Eumber Estuary SPA • Estuary Ramsar	4.10.52 (page 238) is welcomed, but Natural England do not consider this a mitigation measure in itself. Additionally, it is unclear as to the next	N/a: Further information required	Yes	Bird Disturbance - Key Issue 8 - Point 3	No	N/a - Further information required.	nis point has not been addressed fully. Monitoring is proposed, but this need to be related to additional mitigation measures should numbers decline as a result of the project.		This was advised against by NE at PEIR stage. Adaptive monitoring was therefore removed from ES as mitigation. Monitoring will be undertaken to provide general data and as a continuation of the existing monitoring along the Humber south bank. Erection of screening on approach jetty and linkspan during operation is now proposed on a pre-cautionary basis (noting that this is not necessarily required based on the assessment outcomes).	This aspect of the key issue is new 'green'. Note: ARR have clarified that monitoring will be used to provide data for future projects, not t	We consider this specific point of KI8 resolved.	Green	Green
International designated sites during operation on qualifying SPA / Ramsar Estuary SPA • Eumber Estuary Ramsar (O)	Further information is also required on the route that vessels are likely to take in and out of the dock, and whether this is within 300m of birds that roost or the water, especially shelduck. Additional information should also be provided around how this compares with the current and forecasted numbers of vessels utilising the area.	d n N/a: Further information required	Yes	Bird Disturbance - Key Issue 8 - Point 4	N/a	Awaiting advice from NE Specialists. Advice to follow.	Awaiting advice from NE Specialists. Advice to follow.			This <u>aspect</u> of the key issue is now 'green'. NE is satisfied that the additional vessel movements will not have an adverse effect on the SPA birds using the port area.	We consider this specific point of KI8 resolved.	Green	Green
International designated sites General HRA 9 • Eumber Estuary SPA • Eumber Estuary Ramsar (C) and (O)	Section 4.2.1 - It would be clearer to organise the assessment: all construction effects, then all operational effects as per PINS advice note 10 quoted in 4.1.4	N/a – Comment for examining authority	N/a	N/a	N/a	N/a	Comment to be considered in production of final HRA.		Final HRA is to be produced by SoS.	Comment to be considered in production of final HRA.	The Applicant maintains that construction and operational effects have already been fully assessed within the HRAr [APP-115]. The order in which they appear within the HRAr does not in any way influence the outcome of the assessments. Accordingly, the Applicant has not changed the structure of the HRAr.	Grey	Grey
International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar International designated site • Eumber Estuary SAC • Eumber Estuary Ramsar	Table 3 does not include the potential for LSE for the impact pathway 'Direct loss or changes to migratory fish habitat', with regard to the project activity 'Dredge disposal' on sea and river lamprey.	N/a: Further information required	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	This will be captured in the SoCG document.	Not considered to result in LSE (minor omission in Table 3). Justification provided in final column o Table 3 confirms no LSE.	of This <u>aspect</u> of the key issue is now 'green'. <u>Note:</u> This is a minor omission by ABP and will be captured in the SoCG document and can be turned green.	This impact pathway has now been included in Table 3 of the updated HRA. We note that the Table currently concludes potential for LSE to be 'Yes', however the Applicant has confirmed that this is a typo and will be updating the Table to reflect no LSE. We consider this point resolved.	Green	Yellow
International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar 2	Iable 3 screens out underwater noise impacts from vessel operations including maintenance dredging and dredge disposal for sea lamprey, river lamprey and marine mammals, stating that "only mild behavioural responses in close proximity to the Ro-Ro or dredging vessels are anticipated with noise levels unlikely to be discernible above ambient levels in the wider Humber Estuary area". Natural England advise that this is not sufficient	N/a: Further information required	Yes	Underwater Noise - Key Issue 10 - Point 1	N/a	Awaiting advice from NE Specialists. Advice to follow.	Awaiting advice from NE Specialists. Advice to follow	Action: NE to provide feedback on this point.	activity. Ambient noise levels were derived from a literature review of existing research and	Whilst it is ok to use Green Port as a proxy for Immingham, there needs to be some additional information to demonstrate that this is a comparable approach to take i.e. how similar is it to Immingham? Although lamprey are part of the group of fish being the least sensitive to hearing, we advise that this impact pathway is taken through to AA under the precautionary approach. NE is of the opinion, that with this impact pathway taken through to AA, coupled with the justifications given already along with the additional information about the comparable proxy used, we would concur the conclusion of no AFOI from this both alone and incombination		Yellow	Yellow
International designated sites General HRA 10 • Humber screening 3 Estuary SPA comments • Humber Estuary Ramsar	Table 4 - It is not clear why the impact of capital dredge disposal on SPA features has not been included and assessed, when it is assessed against Ramsar features in Table 5. This pathway could have the ability to impact on the supporting habitats of SPA waterbirds. Therefore, capital dredge disposal should be included and assessed against SPA features in Table 4.	y	Yes	Bird Disturbance - Key Issue 10 - Point 1	N/a	Awaiting advice from NE Specialists. Advice to follow	Awaiting advice from NE Specialists. Advice to follow	NE indicated that this issue could potentially be resolved based on the information provided. Action: NE to confirm.		Agree with the explanation provided, but this needs to be included in the final HRA.	This pathway has been captured in the updated HRA. We consider this point resolved.	Green	Yellow
International designated sites General HRA 10 •••umber Estuary SPA comments •••umber Estuary Ramsar	Table 4 - See above for the impact pathway "Indirect loss or change to seabed habitats and species as a result of changes to hydrodynamic and sedimentary processes".	N/a: Further information required	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	NE indicated that this issue could potentially be resolved based on the information provided. Action: NE to confirm.	This pathway is termed 'Loss or change to coastal waterbird habitat' in Table 4 HRA. It is considered separately in the AA (see Section 4.5).	d Awaiting specialist advice	This pathway has been captured in the updated HRA. We consider this point resolved.	Green	Yellow
International designated sites General HRA 10 • • • • • • • • • • • • • • • • • • •	Table 4 - The impact pathway "Changes in water and sediment quality" should be included and assessed against SPA features.		No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	NE indicated that this issue could potentially be resolved based on the information provided.	All SPA features screened into the HRA (Section 3) are coastal waterbirds that feed on intertidal invertebrates by using the beak to capture prey on intertidal habitats (either when exposed to air or when covered in very shallow water). Therefore, they are not considered sensitive to the directs effects of elevated suspended sediment plumes (unlike diving birds which use pursuit or plunge diving to capture prey underwater). It is considered possible that SPA features could be sensitive to indirect effects resulting from changes to intertidal benthic habitats and species due to suspended sediment concentrations (i.e. changes to invertebrate prey resources on supporting mudflat). However, estuarine benthic communities recorded on mudflats and the shallow mud in the region at considered tolerant to this highly turbid environment and the predicted SSCs are within the range that can frequently occur naturally and also as a result of ongoing dredge and disposal activity (as summarised in paragraphs 9.8.83 to 9.8.84 of the ES). On this basis, such effects are anticipated to be negligible and there is considered to be no potential for a LSE on SPA features as a result of	o d d are This <u>aspect</u> of the key issue is now 'green'. <u>Note:</u> This information should be included within the final HRA.	This pathway has been captured in the updated HRA. We consider this point resolved.	Green	Yellow
International designated sites General HRA sites General HRA comments Fumber Estuary SPA comments Fumber Estuary Ramsar	Table 4 - The supporting habitats (both intertidal and subtidal) have been omitted from the LSE screening table for impacts to the SPA yet have been included and assessed for the potential impacts to Ramsar features in Table 5. Furthermore, it is not clear why the supporting habitats have then been taken through to AA (section 4.2.1) which are assessed in terms of the Humber Estuary	g d N/a: Further information required	Yes	Bird Disturbance - Key Issue 10 - Point 2	N/a	N/a	Awaiting advice from NE Specialists. Advice to follow		be negligible and there is considered to be no potential for a LSE on SPA features as a result of elevated suspended sediment concentrations With respect to sediment contamination during construction, potential effects on intertidal benthic habitats and species are considered to be insignificant (paragraphs 9.8.86 to 9.8.88 of the ES). On this basis, potential effects on waterbirds as a result of bioaccumulation through consuming provision through consuming provisions.	ic n	This pathway has been captured in the updated HRA. We consider this point resolved.	Green	Yellow
International designated site •Eumber Estuary SAC •Eumber Estuary SPA •Eumber •Eumber •Eumber •Eumber •Eumber •Eumber •Eumber	in terms of the Humber Estuary SPA. The effects on supporting habitat need to be included and assessed within Table 4. Artificial lighting has not been considered in the assessment for impacts, during construction and operation, on designated site features. This impact pathway should be included and assessed for LSE in Tables 3, 4 and 5	N/a: Further information required	Yes	Artificial Lighting - Key Issue 10 - Point 1	N/a	N/a	Awaiting advice from NE Specialists. Advice to follow			This <u>aspect</u> of the key issue is now 'green'. <u>Note/update 25 July 2023</u> : We accept that the port is already lit for safety reasons and the additional construction lighting will not significantly impact SPA features. However this aspect should be included in the LSE test in the final HRA.		Green	Yellow
International designated site •Eumber Estuary SAC •Eumber Estuary SPA General HRA screening comments 8	Section 3.3.2 states "Considering all impact pathways as detailed in Table 3 the proposed development has the potential to result in an LSE on the following European/Ramsar sites and features, and these have been taken forward into the Appropriate Assessment stage". Natural England advises that this section should be revised as all of the features listed are detailed in Tables 3,	d N/a: Further information required	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	Suggest capture in SoCG.	Very minor typo in HRA (cross reference to Table 4 and 5 omitted). However the features listed are relevant to all tables and confirm what has been taken through to AA stage. Table 2 lists the deisgnated sites and the interest features of those sites.	e This <u>aspect</u> of the key issue is now 'green'. <u>Note:</u> ABP acknowledges that this is a typo and will be captured in the SoCG.	This omission has been corrected and included in the updated HRA. We consider this point resolved.	Green	Yellow
International designated site • Estuary SAC General HRA • Screening	4 and 5, not just Table 3 as stated. We advise that the features taken through to AA should be set our in a table format which clearly identifies the designated feature and its corresponding Europear site they are a part of. Section 3.3.3 - Natural England notes that the maintenance dredging activity for this project will be carried out	t n		N/a	N/a - Not addressed in	N/a - Not addressed in signposting	N/a - Not addressed in the		This point refers to the MDP and can be captured in the SoCG. An updated Maintenance Dredging Baseline Document will be produced in due course to reflect the		ALLEY C	Yellow	Yellow
●Bumber Estuary SPA ●Bumber Estuary Ramsar General HRA in®combination /	under the existing marine licence for the disposal of dredged	N/a: Further information required	IVU	IN/d	signposting documents	documents	N/a - Not addressed in signposting documents		addition of IERRT infrastructure to the operational maintenance dredged envelope of the port. ABP's current Marine Licence for the disposal of maintenance dredged arisings expires at the end of 2025 so any renewal will reflect all operational areas of the port, including IERRT.	's aspect of the key issue is now yellow. ABP will capture this in the socd, we would like to review the updated MDP.	No change.		
International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar • Estuary Ramsar (C) and (O)	paragraphs	N/a: Further Information required	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents		IGET assessment ongoing - the outputs of the assessment will be discussed in due course.		Natural England accepts that at the time of submission the in-combination assessment was based on the information available for other projects. However, we consider the impacts of IERRT and the IGET should be assessed in-combination within both applications. We highlight that the IGET Project has now been accepted for Examination so further details will now be available for this Project which should be considered in the ExA's HRA. Additional issues for consideration by the SOS: There is no 'in combination' at LSE stage, tables 3, 4 and 5 should clearly state LSE alone and then assess in combination separately for those effects which are small but not significant alone. Tables 36 to 39 provide detail of in combination at AA stage. There is no assessment of cumulative effects in the AA, ie the additional effect of this development on the Humber baseline, for example the additional effect of dredging and shipping movements	Amber	Amber

12	International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar	HRA assessment - The potential effects of underwater noise and vibration during piling on qualifying species	NE are aware that CEFAS have raised comments/concerns regarding some technical aspects of the noise modelling presented in the ES. As this modelling underpins the information presented in the HRA we are unable to comment in detail on any conclusions derived from the modelling information. However, we have the following comments. NOTE: The signposting document just states "Natural England are reliant on CEFAS providing a detailed review of the noise modelling presented in the ES, noting that this underpins the HRA", but I beleive this addresses	Yes	Underwater Noise - Key Issue 12 - Point 1	N/a	Awaiting advice from NE Specialists. Advice to follow	Awaiting advice from NE Specialists. Advice to follow	A separate dialogue with Cefas is ongoing. The ABP project team are providing clarifications via a similar process. No further information is required. Natural England will be deferring to CEFAS' advice. Natural England will defer to CEFAS advice on the underwater noise modelling. We note MMO's submission [REPS-044] and are content to resolve this issue.	Green Amber
12	International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar	HRA assessment - The potential effects of underwater noise and vibration during piling on qualifying species	4.11.39 - We note that, in line with Industry Best Practice vibro-piling will be used where possible, and that soft start procedure will be deployed to allow lamprey to move away from the affected area. We also note that percussive piling will be restricted within the waterbody between 1 March to 31 March, 1 June to 30 June and 1 August to 31 October inclusive after sunset and before sunrise on any day. It is unclear why these dates have been identified as important for migratory lamprey species (please refer to conservation advice for lamprey seasonality tables). The HRA should clearly identify how the proposed mitigations, in this case piling restrictions, demonstrate a reduced impact on the	Yes	Underwater Noise - Key Issue 12 - Point 2	N/a	Awaiting advice from NE Specialists. Advice to follow	Awaiting advice from NE Specialists. Advice to follow	Awalting further input from fish migratory specialist Natural England are content with the timings of the percussive piling restrictions for lamprey. We consider this point resolved.	Green Amber
12	International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar	HRA assessment - The potential effects of underwater noise and vibration during piling on qualifying species	If the values change as a result of CEFAS advice the HRA should re-assess using the updated information to determine if the proposed mitigation remains sufficient. N/a: Further information required	Yes	Underwater Noise - Key Issue 12 - Point 3	N/a	Awaiting advice from NE Specialists. Advice to follow	Awaiting advice from NE Specialists. Advice to follow	No further information is required. Natural England will be deferring to CEFAS' advice. Natural England will defer to CEFAS advice on the underwater noise modelling. We note MMO's submission [REP5-044] and are content to resolve this issue.	Green Amber
12	International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar	HRA assessment - The potential effects of underwater noise and vibration during piling on qualifying species	We note that vibro-piling may occur overnight and therefore may have an impact on migratory Lamprey. This should also be considered within the HRA.	Yes	Underwater Noise - Key Issue 12 - Point 4	N/a	Awaiting advice from NE Specialists. Advice to follow	Awaiting advice from NE Specialists. Advice to follow	Avaiting further specialist input Natural England consider that the night time restrictions that have been applied to percussive piling should be extended to include vibropiling to mitigate impacts to migratory lamprey. If this is not committed to, impacts from night time vibropiling on lamprey will need to be assessed in the HRA.	Amber Amber
13	International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar	HRA assessment - Potential effects of direct loss of qualifying intertidal habitat (C)	As none yet addressed - See RR response for full paragraphs N/a: Further information required	No	N/a	N/a - Not addressed in signposting documents		N/a - Not addressed in signposting documents	Natural England accepts that at the time of submission the in-combination assessment was based on the information available for other projects. However, we consider the impacts of IERRT and the IGET should be assessed in-combination within both applications. We highlight that the IGET Project has now been accepted for Examination so further details will now be available for this Project which should be considered in the ExA's HRA.	Amber Amber
14	●Bumber Estuary SPA	HRA assessment - Potential effects of direct loss of qualifying subtidal habitat (C)	As none yet addressed - See RR response for full paragraphs N/a: Further information required	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	Natural England accepts that at the time of submission the in-combination assessment was based on the information available for other projects. However, we consider the impacts of IERRT and the IGET should be assessed in-combination within both applications. We highlight that the IGET Project has now been accepted for Examination so further details will now be available for this Project which should be considered in the EXA'S HRA.	Amber Amber
15	International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar	HRA assessment - The potential effects of changes to qualifying habitats as result of the removal of seabed material during capital dredging	As none yet addressed - See RR response for full paragraphs N/a: Further information required	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	Natural England accepts that at the time of submission the in-combination assessment was based on the information available for other projects. However, we consider the impacts of IERRT and the IGET should be assessed in-combination within both applications. We highlight that the IGET Project has now been accepted for Examination so further details will now be available for this Project which should be considered in the EXA'S HRA.	Amber Amber
16	International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar	HRA assessment - The potential effects of changes to qualifying intertidal habitats as a result of the movement of Ro-Ro vessels during operation (O)	N/a - Green issue N/a	N/a	N/a	N/a	N/a - This is a green issue	N/a - This is a green issue	N/a - This is a green issue	Green Green
17	Estuary Kamsar	HRA assessment – The potential effects of changes to qualifying habitats as a result of sediment deposition during capital dredge disposal (C)	N/a - Green issue N/a	N/a	N/a	N/a	N/a - This is a green issue	N/a - This is a green issue	N/a - This is a green issue	Green Green
18	designated site	HRA assessment - Indirect changes to qualifying habitats as a result of changes to hydrodynamic and sedimentary	N/a - Green issue N/a	N/a	N/a	N/a	N/a - This is a green issue	N/a - This is a green issue	N/a - This is a green issue N/a	Green Green
19	International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar	HRA assessment - The potential effects of changes to qualifying habitats as result of the removal of seabed material during maintenance dredging (O)	N/a - Green issue N/a	N/a	N/a	N/a	N/a - This is a green issue	N/a - This is a green issue	N/a - This is a green issue	Green Green
20	International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar	HRA assessment - The potential effects of elevated SSC during capital dredge disposal on qualifying habitats and species	As none yet addressed - See RR response for full paragraphs N/a: Further information required	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents To be captured in SoCG.	Water quality impacts associated with the capital dredge/dredge disposal on marine mammals have been considered in Chapter 9 of the ES in Table 9.21. In addition, the potential for a LSE due to water quality impacts associated with capital dredge/dredge disposal on marine mammals was considered in Table 3 of the HRA. This is a now a green issue, Note: In review of the information provided, Natural England is satisified that water quality impacts related to elevated SSC during capital dredge disposal will not adversely affect marine mammals utilising the area.	Green Green
21	•Bumber Estuary SPA	HRA assessment - The potential effects of the introduction and spread of non@hative species during construction on qualifying habitats (C)	N/a - Green issue N/a	N/a	N/a	N/a	N/a - This is a green issue	N/a - This is a green issue	N/a - This is a green issue	Green Green
22	International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber Estuary Ramsar	HRA assessment – Mitigation measures, risk of injury to marine mammals during piling (C)	N/a - Green issue N/a - To note	N/a	N/a	N/a	N/a - This is a green issue	N/a - This is a green issue	N/a - This is a green issue	Green Green
23	International designated site • Bumber Estuary SAC • Bumber Estuary SPA • Bumber Estuary Ramsar	HRA assessment— The potential effects of underwater noise and vibration during piling on qualifying species (C)	N/a - Green issue N/a - To note	N/a	N/a	N/a	N/a - This is a green issue	N/a - This is a green issue	N/a - This is a green issue	Green Green
24	International designated site • Elumber Estuary SAC • Elumber Estuary SPA • Elumber Estuary Ramsar	HRA assessment – The potential effects of underwater noise and vibration during capital dredge and dredge disposal on qualifying species (C)	N/a - Green issue N/a - To note	N/a	N/a	N/a	N/a - This is a green issue	N/a - This is a green issue	N/a - This is a green issue	Green Green
25	International designated site • Eumber Estuary SAC • Eumber Estuary SPA • Eumber	HRA assessment – The potential for an AEOI on qualifying habitats and species of the Humber Estuary SAC due to in©combination effects	Provide a more detailed assessment of in-combination disturbance/barrier As none yet addressed - See RR response for full paragraphs effects to the grey seal feature of the Humber Estuary SAC. If needed, consider further mitigation of this impact.	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	IGET assessment ongoing - the outputs of the assessment will be discussed in due course. The Applicant's response does not address our comment. The cumulative assessment will be discussed in due course. The Applicant's response does not address our comment. The cumulative assessment will be discussed in due course.	Amber Amber
26	Environmental Statement	Chapter 9: Nature Conservation and Marine Ecology Marine mammals (C)	Iable 9.1 - Natural England does not agree that marine mammal sensitivity to all levels of impact from underwater noise pathways is moderate. Specifically, we consider that sensitivity to Permanent Threshold Shift (PTS) is High. If marine mammals are exposed to noise levels that are high enough to cause PTS, then they are not likely to tolerate or resist it and PTS will occur. Furthermore, PTS is an unrecoverable injury. We do not consider it appropriate to take into account the	ity Yes	Underwater Noise - Key Issue 26, point 1	N/a	N/a - This is a yellow issue	The applicant has not provided any new information but maintains their position. We consider this point would not have a material effect on the outcome of the assessment.	No change to our original advice. N/a	Yellow
27	Statement	Chapter 9: Nature Conservation and Marine Ecology Implications of policy legislation and guidance – Conservation of Seals Act 1970 (CoSA) (C & O)	size of the PTS zone when determining an individual's N/a - Grey issue N/a - To note	N/a	N/a	N/a	N/a - This is a grey issue	N/a - This is a grey issue	N/a - This is a grey issue N/a	Grey Grey
28		Chapter 9: Nature Conservation and Marine Ecology Underwater noise and vibration during piling, capital dredging and dredge disposal (C)	9.8.199 - The Applicant has assessed underwater noise effects as a single impact. As raised at the PEIR stage, we consider that injury and disturbance should be assessed as separate pathways. These pathways may have different probabilities of occurrence, magnitudes, and marine mammals have different levels of sensitivity to them. To illustrate, we consider that marine mammal sensitivity to sensitivity to injury (PTS and TTS) and disturbance pathways to marine mammals. Consider revising the assessment of disturbance in line with comments, by adding more detail, and/or considering further mitigation or monitoring of this	Yes	Underwater Noise - Key issue 28, point 1	N/a	Awaiting advice from NE Specialists. Advice to follow	Awaiting advice from NE Specialists. Advice to follow	No change to our original advice. Impact pathways on injury and disturbance on grey seals have been assessed separately in the updated HRA. We consider this point resolved.	Green Yellow
28		Chapter 9: Nature Conservation and Marine Ecology Underwater noise and vibration during piling, capital dredging and dredge disposal (C)	injury should be High, whereas sensitivity to disturbance is Undertake separate assessments of injury (PTS and TTS) and disturbance pathways to PTS, the availability of industry-standard mitigation to reduce the risk of this pathway should be sufficient to conclude no significant residual risk. 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.	Yes	Underwater Noise - Key issue 28, point 2	Yes	We are now able to move this <u>aspect</u> of the key issue to 'green'.	No further information needed.	N/a - This <u>assect</u> of the key issue is now 'green'. N/a	Green Yellow
28		Chapter 9: Nature Conservation and Marine Ecology Underwater noise and vibration during piling, capital dredging and dredge disposal (C)	The assessment of disturbance itself is limited. The Applicant acknowledges that it is not possible to provide a assessments of injury conclusion assessment of the significance of potential disturbance pathways disturbance effects (Table 9.7). As the Immingham area is not a key area for harbour porpoise and harbour seal, disturbance/displacement from this area is not likely to be significant. However, the site is of greater importance for grey seals as it lies within the Humber Estuary SAC, of which grey seal is a feature. Changes in seal Undertake separate assessments of injury (PTS and TTS) and disturbance pathways to marine mammals. 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.	Yes	Underwater Noise - Key issue 28, point 3	No		The applicant has not provided any new information but maintains their position. We defer to Cefas on the appropriateness of assuming no elevated noise beyond 15km distance. We maintain our advice of further monitoring to confirm the Applicant's assumptions that elevated underwater noise levels will not travel beyond 15km, and that movements of seals in the estuary are unconstrained during the construction period/no impacts at Donna Nook.	Natural England consider that the statements made by ABP have not been supported with robust evidence. The ABP project team do not consider that monitoring is necessary given the results of the underwater noise modelling show that elevated noise levels will not be able to propagate beyond 15 information can then be used to inform and validate the impacts to ecological receptors. In Applicant has presented information to demonstrate the applicability of the Green Port Hull underwater noise modelling and monitoring to iteRRT. These appear reasonable but we advise that the information is also reviewed by the MMO's underwater noise technical advisors. In Applicant has presented information to demonstrate the applicability of the Green Port Hull underwater noise modelling and monitoring to iteRRT. These appear reasonable but we advise that the information is also reviewed by the MMO's underwater noise elevels. This information can then be used to inform and validate the impacts to ecological receptors. The Applicant has presented information to demonstrate the applicability of the Green Port Hull underwater noise modeling and monitoring to used to information to demonstrate the applicability of the Green Port Hull underwater noise emonitoring to iteRRT. These appear reasonable but we advise that the information is also reviewed by the MMO's underwater noise emonitoring to iteRRT. These appear reasonable but we advise that underwater noise monitoring to iteRRT. These appear reasonable but we advise that underwater noise emonitoring to iteRRT. These appear reasonable but we advise that underwater noise monitoring to used to item advise that the information to demonstrate the applicability of the Green Port Hull underwater noise monitoring to item advise that underwater noise emonitoring to item advise that the information to demonstrate the applicability of the Green Port Hull underwater noise monitoring to item advise that underwater noise monitoring to item advise that underwater noise emonitoring to item advise	Yellow
29	m	Chapter 9: Nature Conservation and Marine Ecology Underwater noise and vibration on fish and marine nammals as a result of construction ©	Undertake mitigation in accordance with Natural England advice. Consider developing a MMMP to capture all mitigation measures committed to, including the proposal to cease percussive piling operations if marine mammals enter mitigation zone	N/a	N/a	N/a	N/a - This is a yellow issue	N/a - This is a yellow issue	N/a - This is a yellow issue N/a	Yellow
30		Chapter 20: Cumulative and in-combination effects Table 20.2 - Overview of Zones of Influence (C) Table 20.2 - Overview of Zones of Influence (C)	However, due to the nature of the development. Of underwater noise	Yes	Underwater Noise - Key issue 30, point 1	No	117a Tartife IIITermation Tequired	The applicant has not provided any new information but maintains their position. We defer to Cefas on the appropriateness of assuming no elevated noise beyond 15km distance. As stated in response to Key Issue 28, we advise that the applicant undertake underwater noise monitoring to demonstrate that the assumption that elevated underwater noise levels will not travel beyond 15km is valid.	The ABP project team do not consider that monitoring is necessary given the results of the underwater noise modelling show that elevated noise levels will not be able to propagate beyond 15 km up and downstream. This is detailed in the 'Underwater Noise' signposting document. This is now a 'yellow' issue. Note' Natural England, in view of Cefas' advice, is satisfied that the 15km distance is sufficient to capture the advise that the information is also reviewed by the MMO's underwater noise evel will not be able to propagate beyond 15 km up and downstream. This is detailed in the 'Underwater Noise' signposting document. This is now a 'yellow' issue. Note of the Green Port Hull underwater noise modelling and monitoring to IERRT. These appear reasonable but we advise that the information is also reviewed by the MMO's underwater noise evel will not be able to propagate beyond 15 km up and downstream. This is detailed in the 'Underwater Noise' signposting document. This is now a 'yellow' issue. Note of the Green Port Hull underwater noise modelling and monitoring to IERRT. These appear reasonable but we advise that the information to demonstrate the applicability of the Green Port Hull underwater noise modelling and monitoring to IERRT. These appear reasonable but we advise that the information is also reviewed by the MMO's underwater noise emotion is also reviewed by the MMO's underwater noise emotion is also reviewed by the MMO's underwater noise emotion is also reviewed by the MMO's underwater noise emotion is also reviewed by the MMO's underwater noise modelling and monitoring to IERRT. These appear reasonable but we advise that the information is also reviewed by the MMO's underwater noise emotion is also reviewed by the MMO's underwater noise emotion is also reviewed by the MMO's underwater noise monitoring would constitute best practice, and we advise that the information is also reviewed by the MMO's underwater noise monitoring would constitute best practice, and we advise that the information is also re	Yellow Yellow
31	Environmental Statement	Chapter 20: Cumulative and in-combination effects Table 20.5 — Review of other projects, developments and activities on the short list (C)	Provide a more detailed assessment of in-combination	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	IGET assessment ongoing - the outputs of the assessment will be discussed in due course. The Applicant's response does not address our comment. The cumulative assessment still lacks detail, and relies on mitigation which is aimed at reducing injury, not barrier effects/disturbance.	Amber Amber
32	Environmental Statement	Volume 3, Chapter 9.2: Underwater noise assessment Marine mammals (C)	General comment: Natural England defers to Cefas' response on technical and specialist matters related to underwater noise modelling. However, we may provide comments where underwater noise affects nature conservation features. N/A – Further information required	Yes	Underwater Noise - Key issue 32, point 1	Yes	We are now able to move this <u>aspect</u> of the key issue to 'green'.	No further information required on this point.	N/a - This <u>aspect</u> of the key issue is now 'green'. N/a - This <u>aspect</u> of the key issue is now 'green'.	Green Green
32	Environmental Statement	Volume 3, Chapter 9.2: Underwater noise assessment Marine mammals ©	information required percentages. • The predictions of noise impacts from dredging and vessel movements look smaller than expected, and that TTS effect ranges for harbour porpoise, based on a 24-hour exposure period, should be larger	Yes	Underwater Noise - Key issue 32, point 2	N/a	Awaiting advice from NE Specialists. Advice to follow	Awaiting advice from NE Specialists. Advice to follow	No further comment at this time. As stated, Natural England will be deferring to CEFAS' advice on this issue. No further comment at this time. As stated, Natural England will be deferring to CEFAS' advice on this issue.	Green Green
33	Environmental Statement	Schedule of Mitigation – Marine 1 mammals ©	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 day, compared to 180 minutes of percussive piling in a day, therefore only comprising 10% of total piling time. Natural England would welcome further detail on how much of the piling could be achieved using vibro- piling,	Yes	Underwater Noise - Key issue 33, point 1	N/a	N/a - This is a yellow issue	N/a - This is a yellow issue	N/a - This is a 'yellow' issue N/a	Yellow
34	International designated sites • North Norfolk Coast SAC	HRA assessment – Screening conclusion	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 N/A - Screen the Wash and North Norfolk	Yes	Underwater Noise - Key issue 34, point 1	Yes	We are now able to move this key issue to 'green'.	We are 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.	Final HRA is to be produced by Sos. N/a - This is now a "green" issue This pathway has been captured in the updated HRA. We consider this point resolved.	Green Green
35	International designated sites • Greater Wash SPA	Potential impacts on the Greater Wash SPA (C) and (O)	N/a - Green issue N/a	N/a	N/a	N/a	N/a - This is a green issue	N/a - This is a green issue	M/a - This is a ligreen' issue	Green Green
36	National designated sites (biodiversity & geodiversity) • Humber Estuary SSSI	Potential impacts on Humber Estuary SSSI 1 designated features (C) and (O)	Our advice regarding impacts on the Humber Estuary SSSI coincide with our advice regarding the potential impacts upon the Humber Estuary SAC/SPA/Ramsar, as detailed above. For features which do not overlap please see details below.	N/a	SSSI - Key Issue 36, point 1	N/a	N/a	As this key issue applies specifically to features of the Humber Estuary SSSI that overlap with the Humber Estuary SAC / SPA / Ramsar, please refer to all relevant key issues relating to these sites for further details / any outstanding information. Action: NE (LF and LT) to clarify what is meant in the additional advice column.	As our comments for the Humber SSS lowering with the relevant SAL/SPA/Riamsur feature, NF's comments regarding SSS features are the Same as that for the corresponding SAL/SPA/Riamsur feature. This will remain as an ongoing matter until all Humber Issuery turopean site issues are moved either to "Green" or "Yellow".	Amber Amber

37	National designated sites (biodiversity & geodiversity) • Humber Estuary SSSI	Potential impacts on the Humber Estuary SSSI invertebrate assemblage (C) and (O)	Detailed advice from Natural England is to follow in relation to this impact pathway.	in N/a: Further information required	Yes	SSSI - Key Issue 36, point 2	Yes	We are now able to move this key issue	Following submission of the signposting documents, and further assessment of the information in relation to this feature of the Humber Estuary SSSI, we are now able to move this key issue to 'green'. We will send an updated version of our Relevant Representation response (V1.3) in due course.		N/a - This is now a 'green' issue N/a	Green	Green
38	National designated sites (biodiversity & geodiversity) • Humber Estuary SSSI	Potential impacts on the Humber Estuary SSSI bird assemblage feature (C) and (O)	Detailed advice from Natural England is to follow in relation to this impact pathway.	in N/a: Further information required	Yes	SSSI - Key Issue 36, point 3	Yes	We are now able to move this key issue	Following submission of the signposting documents, and further assessment of the information in relation to this feature of the Humber Estuary SSSI, we are now able to move this key issue to 'green'. We will send an updated version of our Relevant Representation response (V1.3) in due course.		N/a - This is now a 'green' issue N/a	Green	Green
	National designated sites (biodiversity) • geodiversity) • North Killingholme Haven Pits SSSI	Potential impacts on the SSSI 'Aggregations of non-breeding birds - Black@tailed godwit' feature (C) and (O)	Chapter 9 (Table 9.7) of the ES states that direct impacts on North Killingholme Haven Pits SSSI are unlikely However, black-tailed godwit are a non breeding feature of 1 this SSSI, and if the project is determined to have a overall negative impact on this species for the Humber Estuary SPA / Ramsar, indirect impacts to this SSS should also be considered in the assessment.	n N/a: Further information required	Yes	N/a	N/a	Awaiting advice from NE Specialists. Advice to follow.	Awaiting advice from NE Specialists. Advice to follow.	Action: NE to check whether this issue can be resolved based on clarifications in signposting documents.	Awaiting specialist advice As KI7 is still outstanding, we are unable to conclude at this stage whether there will be an effect on black tailed godwit populations assocaited with NKH Pits SSSI.	Amber	Amber
40	National designated sites (biodiversity & geodiversity) • The Lagoons SSSI	Potential impacts on The Lagoons SSSI (C) and (O)	Natural England agree that impacts on The Lagoon SSSI can be screened out. The features of this SSSI are breeding little tern, sand dunes and saline lagoons and none of these features are currently anticipated to be impacted by this application.	e s, N/a	N/a	N/a	N/a	N/a - This is a green issue	N/a - This is a green issue		N/a - This is a 'green' issue N/a	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)	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 to be 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.	ns N/a	Yes	Air Quality - Key Issue 41 - Point 1)	Yes	We are now able to move this <u>aspect</u> of the key issue to 'green'.	As outlined under KI2.2, 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.		N/a - This is now a 'green' issue N/a	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)	Their current operational traffic assessment does not 3a appear to have included assessment of certain SSSIs. For example, Hatfield Chase Ditches SSSI.		Yes	Air Quality - Key Issue 41 - Point 2)	No	Awaiting advice from NE Specialists. Advice to follow.	Awaiting advice from NE Specialists. Advice to follow	Action: NE (LF) to liaise with responsible officer for SSSI - confirm habitat types. NE to confirm sensitivities.	Haffield Chase Ditches SSSi is notified for it's ditch vegetation, however, although using the critical level/load for standing open water and canals is relevant, the citation also refers to a 'rich assemblage of aquatic and emergent plants'. To account for the emergent vegetation, we also advise that the critical level/load for swamp/fen habitat type. We would suggest using the critical levels/loads for these habitat types that comprise part of the designation for the nearby Crowde Borrow Pits SSSI. This is addressed in the written representation signposting document received by Natural England from ABP 06/10/23 (the site this relates to is a SSSI, not a European site, so this assessment is not part of the HRA). Following consideration of this document, we continue to advise that the section of the SSSI within 200m of the M180, the site was designated in the Written representation signposting document received by Natural England from ABP 06/10/23 (the site this relates to is a SSSI, not a European site, so this assessment is not part of the HRA). Following consideration of this document, we continue to advise that the exetion of the SSSI within 200m of the M180, the site was designated in the Written representation signposting document received by Natural England from ABP 06/10/23 (the site this relates to is a SSSI, not a European site, so this assessment is not part of the HRA). Following consideration of this document, we continue to advise that the exetion of the SSSI within 200m of the M180, the site was designated in the SSSI within 200m of the M180, the site was designated in the SSSI within 200m of the M180, the site was designated in the SSSI within 200m of the M180, the site was designated in the SSSI within 200m of the M180, the site was designated in the SSSI within 200m of the M180, the site was designated in the SSSI within 200m of the M180, the site was designated in the second of the SSSI within 200m of the M180, the site was designated in the SSSI within 200m of the M180, the site was designa	n n- o Amber	Amber
41	National designated sites (biodiversity & geodiversity) • Any relevant terrestrial SSSIs	Construction and operational phase traffic impacts on all relevant terrestrial SSSIs (C) and (O)	Additionally, an incombination exceedance is note at identified SSSIs such as Edlington Wood SSSI, where the predicted in combination NOx change (16.9 ug/m3) is an addition of over 50% of the NOx critical level, and causes the site to exceed its critical level (Table 13.19 in the Chapter 13 of the ES). This is currently dismissed as insignificant for unclear reasons.	d N/a	Yes	Air Quality - Key Issue 41 - Point 3)	yes	N/a - Eurther information required	The purpose of in combination assessment is to highlight areas where projects or plans together could have an impact where individually they do not. It is therefore not appropriate to exclude this from further consideration on the grounds that the impact of the project alone would generate <1% of the NOx critical level.	Action: NE (LF) to obtain advice from Air Quality	> This appears to be about impacts on a SSSI, rather than on a European site (SAC or SPA). >Under Design Manual for Roads and Bridges guidance (LA105) an impact can be dismissed as being insignificant if the effect of the scheme in question falls below 1% of the critical load (or 0.4 kgr/ha/yr). In this case, the contribution from ERRT is 0.05 ug/m3 at this location, which is 0.16% of the CT impact with the CT. >The vast majority of the in-combination impact there is due to traffic growth between the 2019 baseline year and the 2025 year of opening. Although an in-combination assessment should be undertaken for SSSIs as well as SACs, there is no regulatory requirement to consider in requirement to consider in this case; the contribution from ERRT is 0.05 ug/m3 at this location, which is 0.16% of the CT impact, which would more appropriately be addressed through local plan requirements. Therefore, this point can be considered agreed.	Green	Green
42	Protected Species	General approach to further protected species surveys (O) and (C)	1 and 2 N/a - Green issue	N/a	N/a	N/a	N/a	N/a - This is a green issue	N/a - This is a green issue		N/a - This is a green issue N/a	Green	Green
43		Information to demonstrate a 10% Biodiversity Net Gain (C)	As none yet addressed - See RR response for full paragraphs	Natural England advise that to address this concern, clarification on the purpose of ecological enhancements (referred to in Table 9.7) is provided.	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	NE agreed with this point and indicated it could potentially be turned green. Action: NE to confirm	NSIPs are not legally obliged to provide BNG. This point was agreed in the meeting on 18 May 2023. Capture in SoCG. N/a - This is now a green issue N/a N/a - This is now a green issue	Green	Green
44	Biodiversity net gain	Additionality of Biodiversity Net Gain (C)	As none yet addressed - See RR response for full paragraphs	Natural England's advice regarding the mechanism for securing relevant BNG measures in the DCO coincides with the above advice (Natural England key issue reference 43). It is noted that it is stated within the ES (APP-038) that "Whilst not part of the IERRT DCO application, it should be noted that ABP also intends to allocate or 'ring fence' the environmental benefits and enhancements generated" at OtSMRS. Whilst this commitment is acknowledged, this will need to be appropriately secured by requirements in the draft DCO or via a Section 106	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	NE agreed with this point and indicated it could potentially be turned green. Action: NE to confirm	NSIPs are not legally obliged to provide BNG. This point was agreed in the meeting on 18 May 2023. N/a - This is now a green issue N/a - This is now a green issue	Green	Green
45	International designated sites • Humber Estuary SAC • Humber Estuary SPA • Humber Estuary Ramsar	HRA assessment – general comment	1 and 2 N/a - Yellow issue	N/a	N/a	N/a	N/a	N/a - This is a yellow issue	N/a - This is a yellow issue		N/a - This is a yellow issue N/a	Yellow	Yellow
46	International designated sites Humber Estuary SAC Humber Estuary SPA Humber Estuary Ramsar	zones	The HRA screening assessment (Table 3, Page 56 & 57) rules out LSE for 'Changes to seabed habitats and species as a result of sediment deposition' with regard to maintenance dredging. However, it is Natural England's opinion that likely significant effect cannot be ruled out and we advise that further assessment of these impacts are required as detailed below in the Appropriate Assessment. Although the amount of smothering from the maintenance dredging is considered low, it is still an estimation and there is still a potential pathwarfor the maintenance dredging to cause changes for some species as a result of sediment deposition. Furthermore, the use of the phrase "some deposition" has been used to describe the amount	is d N/a: Further information required l ay or	No	N/a	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	N/a - Not addressed in signposting documents	NE indicated there is potential to turn this issue 'green'. Action: NE to check comment and confirm.	Ins point relates to changes to seased namilats and speces as a result of seatment deposition with regard to maintenance dredging/disposal. It is noted that in NE key issue ref 17, NE agree that the impacts relating to sedimentation from capital dredging/disposal will be small scale or short lived and in Table 9.25 of the ES and Table 3 and 5 of the HRA, as a result of a less intensive dredge programme (and an overall lower predicted dredge volume), future maintenance dredging will result in smaller changes in SSC and sedimentation (within the dredge polumes and at the disposal site) as compared to the capital dredge. Deposition of sediment as a result of dredging will be highly localise and similar to background variability with the predicted millimetric changes in deposition considered unlikely to cause semontening effects. On this basis, it was concluded that there was no potential for LSE. LSE. However, NE is of the opinion that if the impact pathway is screened in and assessed at the AA stage, the other two additional points of information provided on the 10 July will likely lead to a conclusion of no AEoi.	Yellow	Yellow
47	International designated sites Humber Estuary SAC Humber Estuary SPA Humber Estuary Ramsar	HRA assessment – Physical change of habitat and associated species beneath marine	1 N/a - Green issue	N/a	N/a	N/a	N/a	N/a - This is a green issue	N/a - This is a green issue		N/a - This is a green issue	Green	Green

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