

Date: 11 December 2023
Our ref: 459679
Your ref: TR030007



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BY EMAIL ONLY

Dear Inspector,

NSIP Reference Name / Code: TR030007

Title: Natural England's comments on the Report on the Implications for European Sites (RIES) in respect of the Immingham Eastern Ro-Ro Terminal Project, promoted by Associated British Ports.

Examining authority's submission deadline 11 December 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

For any further advice on this consultation please contact the case officer Laura Tyndall and copy to consultations@naturalengland.org.uk.

Yours faithfully,

Laura Tyndall
Yorkshire and Northern Lincolnshire Area Team
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Introduction

Natural England have reviewed the Report on the Implication for European Sites (RIES) [PD-018] for the Immingham Eastern Ro-Ro Terminal Project. We provide answers to the questions posed within the document in Appendix 1, alongside confirmation of Natural England's positions on likely significant effects (LSE) and adverse effects on site integrity (AEoI).

General Comments

Natural England note that only submissions up to Deadline 5 (23 October 2023) have been considered in the RIES, therefore the RIES does not take account of updated advice on various aspects since then. Where we are able to, we have signposted to our updated advice.

Natural England recommends that the RIES is updated before it is included within an ExA report to the Secretary of State (SoS).

IERRT Appendix 1: Questions within the RIES

Section 2: Likely Significant Effects

2.1.5 - RIES Q1 (to NE): “Following the addition at DL5 of the harbour seal feature of the Wash and North Norfolk Coast SAC to the assessment, can NE confirm that all relevant European sites and or European site features that could be affected by the project have been identified by the Applicant?”

Natural England can confirm that all relevant European sites and their features have been identified by the applicant.

Table 2.2: Issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's screening of LSEs (alone and in-combination)

Please find answers to each of the questions directed to Natural England in Table 2.2 of the RIES in Table 1 below.

Table 1: Natural England response to Table 2.2 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
2.1 RIES Q3 (to NE)	Wash and North Norfolk Coast SAC	Construction Direct loss or changes in foraging habitat; changes in water and sediment quality; collision risk; lighting effects; underwater noise; visual disturbance. Operation Underwater noise; visual disturbance;	Can NE confirm whether it agrees with the conclusions of the screening assessment for the Wash and North Norfolk Coast SAC presented in Table 3 of the HRA Report [REP5-020]? If not, what are the issues it does not agree with?	Natural England can confirm that we agree with the Applicant's conclusions of the screening assessment for the Wash and Norfolk Coast SAC.

Table 1: Natural England response to Table 2.2 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
		lighting effects; collision risk.		
2.3 RIES Q4 (to NE and MMO)	Humber Estuary SAC, Humber Estuary SPA, Humber Estuary Ramsar, and Wash and North Norfolk Coast SAC	Construction Changes in water quality from accidental spillages.	The HRA Report does not appear to address the potential for accidental spillages to occur during operation. Can NE and the MMO confirm that they are satisfied with the absence of an assessment for this potential pathway? If it is not, could NE and the MMO set out what steps the Applicant needs to take?	We advise that this impact pathway should be screened in to the appropriate assessment, however, with the best practice pollution / spillage prevention measures detailed in the submitted CEMP [APP-111] (Table 3.2: Water and sediment quality), we advise that adverse effects on integrity of the Humber Estuary designated sites can be ruled out.
2.4 RIES Q5 (to NE)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar site	Construction and operation Air quality impacts - deposition of airborne pollutants	Following the Applicant's revisions to the HRA Report [REP5-020], can NE confirm its view on the conclusions of the screening assessment for the following additional Humber Estuary SAC habitat features considered in Table 3: <ul style="list-style-type: none"> • H1130 'Estuaries'; • H1110 'Sandbanks which are slightly covered by seawater all the time'; and 	We have provided detailed comments on these features in the Statement of Common Ground (SoCG) between ABP and NE [REP6-010]. Please refer to our comment in the 'NE's Position' column of the SoCG for Key Issue 1 (beginning on page 17).

Table 1: Natural England response to Table 2.2 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
			<ul style="list-style-type: none"> H1140 'Mudflats and sandflats not covered by seawater at low tide'). <p>If NE has any issues with the conclusions, could it identify what the Applicant needs to do to address them.</p>	
2.5 RIES Q6 (to NE)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar site	Construction Air quality impacts deposition of airborne pollutants from construction traffic on designated features	In light of the Applicant's justification at [REP1-013], can NE confirm its view on the conclusions of the screening assessment set out in Table 3 of the HRA Report [REP5-020] in relation to the pathway 'physical change to habitats resulting from the deposition of airborne pollutants'?	We agree with the conclusions of the screening assessment set out in Table 3 of the HRA report [REP5-020] in relation to the pathway 'physical change to habitats resulting from the deposition of airborne pollutants' during construction.
2.6 RIES Q7 (to NE)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar site	Construction Air quality impacts from construction dust	Following the Applicant's revisions to the HRA Report [REP5-020], is NE satisfied with the revised screening assessment of the construction dust pathway and the screening conclusions with respect to the habitat features of the Humber Estuary SAC and Ramsar site?	We agree with the H1140 'Mudflats and sandflats not covered by seawater at low tide' feature being screened into the appropriate assessment for potential construction dust impacts. As it has previously been confirmed that this comprises 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. Please also refer to our comment in the 'NE's Position' column of the SoCG for Key Issue 1 (beginning

Table 1: Natural England response to Table 2.2 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
				on page 17).
2.7 RIES Q8 (to NE)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar site	Various impacts to coastal waterbirds	Following the Applicant's revisions to the HRA Report [REP5-020], in particular the inclusion of Appendix A, can NE confirm whether it is content with the presentation and robustness of the baseline data for coastal waterbirds? If it is not, could NE set out what steps the Applicant would need to take to address NE's concerns?	Natural England is content with the presentation and robustness of the baseline data for coastal waterbirds.
2.10 RIES Q10 (to NE)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar site	Potential impacts that could result in LSE on features of the Humber Estuary SPA, SAC and Ramsar	<p>Are you content with the Applicant's assessment of the following pathways in Table 4 of the revised HRA Report [REP5-020]:</p> <ul style="list-style-type: none"> • impact of capital dredge disposal on SPA features; • indirect loss or change to seabed habitats and species as a result of changes to hydrodynamic and sedimentary processes; • changes in water and sediment quality; • artificial lighting <p>If NE has any issues with the Applicant's assessment, could it set out what the Applicant needs to do to address them.</p>	<p>Natural England is content with the Applicant's assessment of:</p> <ul style="list-style-type: none"> • the impact from capital dredge disposal on SPA features; • indirect loss or change to seabed habitats and species as a result of changes to hydrodynamic and sedimentary processes. • water and sediment quality on designated features of the Humber Estuary SAC, SPA and Ramsar sites; and • lighting on designated features of the Humber Estuary SAC, SPA and Ramsar sites.

Table 1: Natural England response to Table 2.2 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
2.13 RIES Q11 (to NE)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar site	Construction phase Zone of influence distances	ID30 of AS-015 requests that the Applicant reviews the screening distance and impact/zone of influence distances. Is NE content with the Applicant's response in REP1-013? If not, please explain what would need to be provided/detailed within the Applicant's HRA report?	<p>The Applicant has presented information to demonstrate the applicability of the Green Port Hull underwater noise modelling and monitoring to IERRT. Although these appear reasonable, we advise that the information is also reviewed by the MMO's underwater noise technical advisors. We maintain that project-specific underwater noise monitoring would constitute best practice, and we advise that monitoring is undertaken to validate the predicted underwater noise emissions from project piling.</p> <p>However, we acknowledge that the exclusion of the above information will not change the outcome of the assessment.</p>
2.14 RIES Q12 (to NE)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar site	Operational phase Changes to seabed habitats and features as a result of sediment deposition	The Applicant has revised the HRA Report to provide further information on sedimentation tolerance but maintains its conclusion on no LSE for this pathway arising from the development alone. Are you content with the Applicant's conclusions on this matter? If NE is not content, please explain why that is.	<p>Natural England disagrees with the Applicant's justification for not screening in this impact pathway. [ID17, AS-011] was considered resolved as we agreed that sedimentation arising from capital dredging/dredge disposal is not likely to cause an adverse effect on integrity of the Humber SPA/SAC based on additional information that was provided by the Applicant at the Appropriate Assessment stage. Consequently, we consider that it is inappropriate to conclude that there is no potential for LSE for sedimentation from maintenance dredging/dredge disposal on seabed habitats</p>

Table 1: Natural England response to Table 2.2 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
				<p>and species.</p> <p>No matter how low-risk the impact is deemed to be in relation to sedimentation effects arising from capital dredging/dredge disposal, the pathway still exists for there to be a potential impact from sedimentation arising from maintenance dredging/dredge disposal. However, we are of the opinion that this impact pathway would not result in an adverse effect on site integrity, therefore this would have no material impact on the assessment conclusions.</p>

Section 3: Adverse Effects on Integrity

Table 3.1: Issues raised in the Examination to date by the ExA and IPs in relation to the Applicant's assessment of effects on integrity (alone and in-combination)

Please find answers to each of the questions directed to Natural England in Table 3.1 of the RIES in Table 2 below.

Table 2: Natural England response to Table 3.1 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
3.1 RIES Q14 (to NE and MMO)	Humber Estuary SAC, The Wash and North Norfolk Coast SAC	Operation phase Underwater noise from vessel operations including maintenance dredging and dredge	Section 5.6 of ES Appendix 9.2: Underwater Noise Assessment [APP-088] provides pre-construction underwater noise monitoring results which were undertaken in the Humber Estuary at Green Port Hull (GPH) during October 2014, based on a report from ABPmer. The Applicant provided further detail to this approach to modelling at REP1-013, REP2-009 and REP4-008. Can NE and the MMO advise whether you are content that the underwater noise baseline modelling is robust? If you are not content, please explain why that is the case.	Natural England will be deferring to the MMO's technical advisors on issues relating underwater noise impacts on designated features. Therefore, we have no further comment to make regarding this issue.
3.2 RIES Q15	Humber Estuary SAC, The Wash and	Construction phase Mitigation measures to reduce risk of	ID22 of [AS-015], supports the mitigation measures set out in paragraph 4.11.39 of [APP-115] that would be implemented during piling to reduce the level of impact associated with underwater noise and vibration on fish and grey seal during	Natural England notes that ID22 of AS-015 specifically relates to mitigation measures for marine mammals during piling. We broadly agree with the mitigation measures proposed in relation to impacts from underwater noise and vibration on marine mammals during construction.

Table 2: Natural England response to Table 3.1 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
	North Norfolk Coast SAC	injury to marine mammals	construction. The HRA Report was updated at DL5 [REP5-020] and this paragraph [now 4.11.40] has been updated. Please confirm whether you agree with this updated text and whether you have any other concerns in relation to this mitigation protocol?	<p>However, with respect to lamprey, Natural England is not satisfied with the Applicant's clarifications regarding impacts of vibro-piling during night-time that were provided in the Applicant's response to Natural England's Relevant Representations [REP1-013]. [REP1-013] refers to Table 3 and 5 as well as section 4.11 of the Applicant's updated HRA for assessment of this key issue, however there is no specific assessment of the potential impact of vibro-piling during night-time when lamprey are migrating. Although section 4.11 provides important information on Sound Pressure Level thresholds, behavioural response distances and estimated acoustic barrier effects that are likely to arise from vibro-piling, the conclusion drawn in section 4.11.25 does not clearly demonstrate that vibro-piling will not adversely affect the nocturnal migration period for lamprey.</p> <p>Natural England questions the Applicant's rationale for vibro-piling at night given our concerns relating to migrating lamprey. Section 4.11.22 states that a maximum of 20 minutes of vibro-piling per day is anticipated (which is a short period of time) and we question whether all vibro-piling activities could be carried out in the daytime.</p> <p>Due to the lack of a specific assessment for vibro-piling impacts at night on migrating lamprey, we advise that the night-time restriction which has already been applied to percussive piling should be extended to also include vibro-piling. This would avoid potential impacts and remove the need for further assessment. We have made this recommendation to the Applicant (email dated 13th November 2023).</p>

Table 2: Natural England response to Table 3.1 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
3.3 RIES Q16	Humber Estuary SAC, The Wash and North Norfolk Coast SAC	Construction phase Marine mammal sensitivity to Permanent Threshold Shift (PTS)	ID26 of [AS-015] contests the Applicant's application of a high sensitivity given to marine mammals Permanent Threshold Shift and that it is inappropriate to consider the size of a PTS zone in regard to sensitivity. ID26 requests that the ES is amended but the Applicant has amended the HRA Report [REP5-020]. Can NE confirm if it agrees with the updated HRA Report [REP5- 020], particularly the conclusions presented in paras 4.11.32 and 4.11.39? If NE does not agree with those conclusions, please explain why that is the case.	<p>ID26 of [AS-015] disagreed with the Applicant assigning a 'Moderate' sensitivity level from the impacts of underwater noise pathways on marine mammals.</p> <p>In particular, we identified that the sensitivity to Permanent Threshold Shift (PTS) should be classed as 'High' and that the assessment should be revised to reflect a 'High' sensitivity to PTS impacts. However, it is not clear in the updated HRA where this has been addressed.</p> <p>Nevertheless, we note that the change from moderate to high sensitivity for PTS impacts would not change the outcome of the assessment.</p> <p>Consequently, we agree with the conclusions reached in sections 4.11.32 and 4.11.39.</p>
3.4 RIES Q17 (to NE)	Humber Estuary SAC, The Wash and North Norfolk Coast SAC	Construction phase Assessment of underwater noise and vibration during piling, capital dredging and dredge disposal – consideration	Can you confirm whether the changes made in section 4.11 of the updated HRA Report [REP5- 020] have addressed the concern raised in ID 28 of AS-015 and if not please explain why that is the case?	Natural England confirms that the additional information provided in the updated HRA has addressed the concern raised in ID28 of AS-015.

Table 2: Natural England response to Table 3.1 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
		of the disturbance and injury pathways		
3.5 RIES Q18 (to NE)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar	Operation Air quality impacts	Following the Applicant's updates to the HRA Report, please confirm whether you agree with the conclusion of no AEol as a result of operational airborne emissions to the habitats of the Humber Estuary SAC and Ramsar site? If NE does not agree with a conclusion of there being no AEol, explain why that is the case.	As noted in our comments for REP6-010, the H1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) 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 (operational airborne emissions to the habitats of the Humber Estuary).
3.6 RIES Q19 (to NE)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar	Construction Loss of intertidal habitat	The conservation objective for the Humber Estuary is that the extent and distribution of qualifying natural habitats should be maintained or restored 'subject to natural change'. In light of the revisions made to the HRA Report [REP5-020] in relation to the loss of intertidal habitat, please advise whether you now concur that AEol can be excluded? If NE does not agree with a conclusion of there being no AEol, explain why that is the case.	Natural England considers that AEol from the project alone can likely be ruled out. However, we are unable to rule out AEol in-combination. Detailed comments on this issue have been set out in the subject matter entitled "In-combination effects – intertidal habitat loss" within the Statement of Common Ground between ABP and Natural England [REP6-010].

Table 2: Natural England response to Table 3.1 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
3.7 RIES Q20 (to NE and MMO)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar	Construction phase Potential impacts on underwater noise and vibration on fish	Please advise whether you are content that the mitigation measures proposed to reduce the level of impact associated with underwater noise and vibration on qualifying species during the construction phase would be sufficient to ensure no AEol? If you are not content please explain why that is the case	Natural England broadly agrees with the mitigation measures proposed to ensure no AEol from underwater noise and vibration impacts on qualifying species during the construction phase. We have requested that the Applicant applies the night-time piling restriction to both percussive and vibro-piling to ensure no AEol on migrating lamprey. See also question 15.
3.9 RIES Q23 (to NE)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar	Operational phase The potential effects of changes to qualifying habitats as result of the removal of seabed material during maintenance dredging	The ExA notes that NE has withdrawn its previous concerns about the effects of disturbance resulting from the removal of seabed material during maintenance dredging (ID 19 of [AS-015] and [AS-017]). NE is requested to explain why its position has changed.	<p>Natural England initially had concerns regarding the likelihood of the recoverability of the benthic community present at the project site in relation to the impact of maintenance dredging. This was based on information that was provided in [APP-115] which detailed the proposed maintenance dredging regime. Our primary concern was that maintenance dredging was expected to occur 3-4 times per year (every 3-4 months) even though the recoverability of some of the benthic organisms found in the project site was expected to be up to 1-2 years. At the time of producing AS-015, this was the only information available and we requested further information to be included from the Applicant for the justification of no AEol for this impact pathway on the benthic community.</p> <p>The Applicant subsequently provided further information during two meetings (Natural England's site visit to the Port of Immingham dated 18/5/23 and a virtual meeting with the Applicant dated 3/7/23) with regard to the maintenance dredging regime, which consisted of the following key points:</p> <ul style="list-style-type: none"> • Regular maintenance dredging (occurring every 3-4 months) will be restricted to a relatively small proportion

Table 2: Natural England response to Table 3.1 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
				<p>of the total maintenance dredge area: Focussed around the finger pier piles and adjacent areas of berth pockets and pontoons;</p> <ul style="list-style-type: none"> • Remainder of the dredge area to be dredged much less frequently (every 1-2 years); and • Pre-dredge conditions expected to occur in the maintenance dredge area between maintenance dredging campaigns. <p>These key points provided during those two meetings coupled with the information regarding the life history traits, the low sensitivity to disturbance and high recoverability of the benthic community provided in the first version of the HRA allowed Natural England to agree with the Applicant's conclusion of no AEoI for this impact pathway.</p>
3.11 RIES Q25 (to NE)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar	The potential effects of the introduction and spread of non-native species during construction	The Draft Statement of Common Ground between the Applicant and NE [REP5-016] states that on 19 April 2023 you agreed to the Applicant implementing their existing biosecurity measures during the operational phase of the Proposed Development. Please confirm that this correctly reflects your position.	Natural England confirms that this is correct and reflects our position.
3.12 RIES Q26 (to NE)	Humber Estuary SAC, Humber Estuary	Construction phase The potential for AEoI on	With respect to ID25, please confirm whether the content of section 4.11 of the updated HRA Report [REP5-020] has addressed your concern and if not explain why that is the case	The Applicant's response did not address our comment. The cumulative assessment is still lacking detail, and relies on mitigation which is aimed at reducing injury, not barrier effects/disturbance.

Table 2: Natural England response to Table 3.1 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
	SPA and Humber Estuary Ramsar	qualifying habitats and species due to in-combination effects		In addition, the previous response from the Applicant explained why the in-combination assessment didn't include the Immingham Green Energy Terminal (IGET) Project as at the time writing, the application had not yet been submitted to the Planning Inspectorate. However, now that the IGET Project has been accepted for Examination, further details will now be available for this Project which should be considered in the in-combination assessment.
3.13 RIES Q27 (to NE and MMO)	Humber Estuary SAC, Humber Estuary SPA and Humber Estuary Ramsar	Construction phase Underwater noise impacts from vibro-piling	ID33 of AS-015 requests for further detail on how much of the piling could be achieved using vibro-piling to enable greater understanding of how much this mitigation measure could be applied across the piling campaign. The Applicant responded by referring to paragraph 6.2.3 in ES Appendix 9.2 [APP-088]. Can NE and the MMO confirm that this information and mitigation is sufficient for reliable assessment conclusions within the HRA Report and AEoI? If the information included in the ES is considered to be insufficient, please advise how that deficiency should be addressed.	Natural England is satisfied with the use of vibro-piling and welcomes the use of it as much as possible during the piling campaign. The use of vibro-piling is largely dependent on the characteristics of the bedrock in the area - it cannot be used to penetrate the harder layers of bedrock that lie deeper in the ground. Therefore, we note that vibro-piling cannot replace the louder percussive piling method altogether.

Table 2: Natural England response to Table 3.1 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
3.14 RIES Q28 (to NE)	Humber Estuary SPA and Humber Estuary Ramsar	Operational phase Potential changes to waterbird foraging and roosting habitat as a result of the presence of marine infrastructure	In light of the changes to the HRA Report, does NE agree with the Applicant's conclusions of no potential AEol on the qualifying interest features of the Humber Estuary SPA and Ramsar site as a result of changes to waterbird foraging and roosting habitat? If not please explain why that is the case.	Natural England agrees with the Applicant's conclusions of no AEol on the qualifying interest features of the Humber Estuary SPA and Ramsar site in relation to the presence of marine infrastructure.
3.15 RIES Q29 (to NE)	Humber Estuary SPA and Humber Estuary Ramsar	Construction phase Potential noise and visual disturbance on qualifying species	In light of the clarification provided by the Applicant, can NE confirm whether it agrees with the methodology for assessing waterbird disturbance, in particular the assumptions regarding responses and sensitivity of waterbird species (Table 28 [REP5-020]). If the Applicant's clarification has not addressed NE's concern how might that be addressed by the Applicant?	Natural England notes that the applicant has carried out the Appropriate Assessment for construction disturbance in an appropriate manner, however Table 28 still contains frequent references to the IECS Waterbird Disturbance Mitigation Toolkit (at species level). If this information is not robust it should be removed from the HRA, to minimise confusion. NatureScot have carried a more recent review (2022). NatureScot Research Report 1283 – Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species NatureScot

Table 2: Natural England response to Table 3.1 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
3.16 RIES Q30 (to NE)	Humber Estuary SPA and Humber Estuary Ramsar	Construction phase Potential noise and visual disturbance on qualifying species	The Applicant has provided further information on the importance of Sector B (compared to Sectors A and C) in Appendix A of the revised HRA Report [REP5-020]. In NE's opinion, are these changes sufficient to inform a robust assessment of impacts from noise and visual disturbance? If the Applicant's clarification has not addressed NE's concern how might this be addressed?	Natural England is content that the additional bird data for sectors A and C has been provided and this has been included in the Appropriate Assessment where required.
3.17 RIES Q31 (to NE)	Humber Estuary SPA and Humber Estuary Ramsar	Construction phase Potential noise and visual disturbance on qualifying species	In light of the revisions to the HRA Report [REP5-020] is NE now content that the assessment of construction noise disturbance is adequate? If not, please explain why that is the case.	Natural England is not content with the assessment of noise disturbance on SPA and Ramsar birds during construction. Our comments have been set out in detail in our response at DL6 (letter 13 Nov 23 IERRT Appendix 1, key issue 7).

Table 2: Natural England response to Table 3.1 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
3.21 and 3.22 RIES Q32 (to NE)	Humber Estuary SPA and Humber Estuary Ramsar	Construction phase Potential noise and visual disturbance on qualifying species	With respect to the further assessment of the potential energetic cost of bird disturbance during the construction period requested in ID7 of RR [AS-015], explain what additional information would be required to address NE's concern.	Natural England is not content with the assessment of noise and visual disturbance effects on SPA and Ramsar birds during construction. Our comments have been set out in detail in our response at DL6 (letter 13 Nov 23 IERRT Appendix 1, key issue 7). If the disturbance distances for piling are sufficiently precautionary (we recommend 300m) and mitigation measures are effective in allowing SPA birds sufficient opportunity to feed over the core winter period then further assessment of energetic costs of bird disturbance is not required.
3.24 RIES Q35 (to NE)	Humber Estuary SPA and Humber Estuary Ramsar	Construction phase Potential noise and visual disturbance on qualifying species	Given the additional information provided in Appendix E of the HRA Report [REP5-020] is NE content that its concern with respect to the proposed measures for mitigating noise and visual disturbance effects has been addressed? If not, please explain how NE's concern might be addressed.	Natural England is not content with the proposed measures for mitigating noise and visual disturbance effects on SPA and Ramsar birds during construction. Our comments have been set out in detail in our response at DL6 (letter 13 Nov 23 IERRT Appendix 1, key issue 7). It should also be noted that the applicant had provided useful information in signposting documents that relate to bird disturbance during construction that was not included in Appendix E.

Table 2: Natural England response to Table 3.1 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
3.26 RIES Q36 (to NE)	Humber Estuary SPA and Humber Estuary Ramsar	Operational phase Potential noise and visual disturbance on qualifying species	Does NE consider adaptive monitoring to be necessary to reach a conclusion of no AEol in the context of operational noise and visual disturbance? If the undertaking of adaptive monitoring is considered necessary to reach a conclusion of no AEol, please explain why that would be the case.	Natural England does not consider adaptive monitoring to be considered necessary to reach a conclusion of no AEol. Our response at DL6 (letter 13 Nov 23) clarified that post construction monitoring is recommended, but that this would provide evidence for future port projects.
3.27 RIES Q37 (to NE)	Humber Estuary SPA and Humber Estuary Ramsar	Operational phase Potential noise and visual disturbance on qualifying species	Following the revision to the HRA Report [REP5-020] is NE content with the assessment of operational noise and visual disturbance and the conclusions of no AEol? If not, please explain how NE's concern might be addressed.	Natural England is content with the conclusion of no AEol on the Humber Estuary SPA/ Ramsar site in relation to increased vessel movements during the operational period.
3.28 RIES Q38 (to NE)	Humber Estuary SPA and Humber Estuary Ramsar	Construction phase The potential for AEol on qualifying habitats and species due to in combination effects	Further to the issues raised by NE and the Applicant's response in REP1-013, please advise whether NE's concern has been addressed and if not indicate what further would be required this concern?	Natural England notes that REP1-013 does not contain a response to ID25 of AS-015. However, further information in relation to ID25 of AS-015 was provided to us in a technical signposting document on 6 th October 2023. We reviewed the additional information provided and we are still not satisfied that this key issue has been resolved. Our comments have been set out in detail in our response within REP6-010.

Table 2: Natural England response to Table 3.1 RIES questions				
RIES section / question ref	Site	Impact	Question	Answer
RIES 3.2.3 mitigation	Humber Estuary SPA and Humber Estuary Ramsar	Construction phase Potential noise and visual disturbance on qualifying species	RIES letter section 3.2.3 Table 40: Summary of Mitigation Measures	Our response at DL6 recommended that table 40 should be expended to give full details of mitigation measures, for example not just 'cold weather restriction'. The table should indicate whether the measure will completely avoid the effect or reduce it to an acceptable level and the level of certainty that this will occur.
RIES 3.2.3 mitigation	Humber Estuary SPA and Humber Estuary Ramsar	Construction phase Potential noise and visual disturbance on qualifying species	RIES letter section 3,2,3 Mitigation measures	Natural England recommends that the 'Schedule of seasonal restrictions on construction activity' should be included in the HRA (previously provided in the sign posting document on bird disturbance mitigation) as this provides a useful summary of mitigation measures through the year. We have discussed with the applicant that the schedule could be expanded to include differentiation of measures that apply to piling and those that apply to construction activities other than piling. We also recommend that there is differentiation between mitigation measures that are required for Habitats Regulations compliance and those that are mitigation measures for species which are not European site features (such as some migratory fish species). Natural England would welcome further discussions to confirm that the balance of mitigation measures is appropriate given the level of sensitivity of the features (in particular wintering SPA birds).