

Date: 08 January 2024
Our ref: 462288
Your ref: TR030007



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BY EMAIL ONLY

Dear Inspector,

NSIP Reference Name / Code: TR030007

Title: Natural England's comments in respect of the Immingham Eastern Ro-Ro Terminal Project, promoted by Associated British Ports.

Examining authority's submission deadline 08 January 2024 (Deadline 8).

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.

In the Examining Authority's fourth written questions (EXQ4), five questions are addressed to Natural England. Please find our answers to question references BNE4.01, BNE4.08 and BNE4.09 in Table 1 below. Please note that our answers to questions BNE4.05 and BNE4.12 are to follow at Deadline 9 (D9: 15 January 2024).

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
Lead Adviser
Yorkshire and Northern Lincolnshire Area Team

Natural England’s response to the Examining Authority’s (ExA’s) fourth written questions / question reference EXQ4 with a deadline of 08 January 2024

Table 1: Natural England response to Examiner’s fourth written questions			
ExA question ref	Question addressed to	Question	Answer
BNE4.01	Natural England	<p>In-combination assessment in the Applicant’s updated Habitats Regulation Assessment (HRA) report.</p> <p>Following the changes to Tables 3, 4 and 5 in the HRA Report [REP7-014] to incorporate an in-combination assessment, does NE consider that sufficient information has been provided by the Applicant to conclude no likely significant effects in-combination? If NE considers insufficient information has been provided explain why that is the case.</p>	<p>Natural England will provide comments in relation to air quality and in-combination effects in our answer to BNE4.12, which we intend to submit by 15/01/24. The below comments do not relate to air quality as the impact pathway.</p> <p>Following the submission of the amended HRA [REP7-014], to include the in-combination assessment at HRA stage 1 (screening / likely significant effects (LSE) test), Natural England consider that there is insufficient information to conclude no LSE in-combination. Conclusions appear to have been made on the assumption of negligibility, rather than through evidence based assessment.</p> <p>Our preference would be for columns to be added to tables 3, 4 and 5 for assessment of likely significant effects ‘alone’ and ‘in combination’ (separate columns). Assessment of likely significant effects ‘in combination’ is only required where there is a small effect which is not significant alone but may act in combination with small impacts of other projects resulting in a likely significant effect.</p> <p>However, we do not consider that this would materially impact conclusions of the Stage 2 assessment on adverse effects on integrity.</p>

BNE4.05	Natural England	<p>Updated in-combination assessment in the Applicant's HRA report</p> <p>Following the updates to the in-combination assessment (Tables 37, 38, 39) of the HRA Report [REP7-014] is NE content with the Applicant's conclusions of no AEoI for the following impact pathways in combination with other plans and projects:</p> <ul style="list-style-type: none"> a) direct intertidal habitat loss b) direct subtidal habitat loss c) subtidal habitat change as result of the removal of seabed material during capital dredging? 	<p>Please note our response to this question is to follow at <u>Deadline 9: Monday 15th January 2024</u>.</p>
BNE4.08	Natural England	<p>Justification for proposed 300 metre disturbance distance in relation to SPA and Ramsar birds</p> <p>At paragraph 1 of key issue 7 in REP7-038, it is stated that NE is not content with the assessment of noise and visual disturbance effects on SPA and Ramsar birds during construction and it has been suggested that a 200 metre disturbance distance would not sufficient. Instead a precautionary distance of 300 metres from the noise source has be recommended. Given the justification of 200 metres provided by the Applicant in section 4.10 and Table 28 of the HRA Report [REP7-014], NE should provide a rationale as to why 300 metres has specifically been recommended?</p>	<p>Table 28 identifies a number of species with moderate to high and moderate levels of sensitivity to disturbance. Shelduck, curlew and bar-tailed godwit have all been recorded with flight initiation distances (FID) over 200m. It is worth noting that disturbance is likely to occur before flight takes place. Birds can experience increased stress / alertness resulting in less effective foraging.</p> <p>In addition, Natural England has previously provided advice to ABP that 'peak noise levels <i>approaching</i> 70dBA and greater are most likely to cause an adverse effect' (referenced in the HRA). Appendix E Waterbird mitigation effectiveness summary Fig E.1 indicates the 200m buffer from the noise source. Immediately outside the 200m buffer the noise levels could be very slightly lower than 70dB (L_{Amax}), which means that birds in this area could be subject to noise levels approaching 70dB (L_{Amax}).</p> <p>For the reasons above Natural England advises use of a disturbance distance over 200m and we advise that 300m would be a suitable precautionary distance evidenced by the applicant's own references and Natural England's previous advice.</p>

BNE4.09	Natural England	<p>Construction-related airborne noise and visual disturbance for birds roosting on structures in the intertidal zone</p> <p>NE should confirm whether the HRA Report [REP7-014] adequately considers airborne noise and visual disturbance impacts from construction on birds roosting on structures in the intertidal zone? If not, NE should identify any further mitigation measures that would be required to safeguard roosting birds during the construction phase.</p>	<p>The signposting document for bird disturbance issues provided to Natural England by Associated British Ports on 12 June 2023 provided information in relation to SPA bird species that could potentially be roosting on structures in the intertidal zone. This confirmed that the only SPA species found to be roosting on these structures was turnstone, with this species considered tolerant to potential disturbance. We confirmed in [REP2-020] that we were satisfied with this information provided in relation to potential disturbance to roosting SPA birds.</p>
BNE4.12	Natural England	<p>In-combination air quality effects</p> <p>NE should confirm whether it agrees to there being no AEoI arising from in-combination air quality effects presented in section 4.14 of the HRA Report [REP7-014]? If NE does not agree to there being no AEoI it should explain why that would be the case.</p>	<p>Please note our response to this question is to follow at <u>Deadline 9: Monday 15th January 2024</u>.</p>