

IMMINGHAM EASTERN RO-RO TERMINAL



Applicant's Response to Natural England's Deadline 7 Submissions
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1 **Executive Summary**

- 1.1 This document provides the Applicant's response to the information submitted by Natural England ("NE") at Deadline 7 and Deadline 7A. These submissions in turn draw upon information submitted by NE prior to that deadline.
- 1.2 NE's submissions to which responses are now being provided in this document are the Deadline 7 Submission **[REP7-038]**.

2 Introduction

- 2.1 This document provides the Applicant's response to the information submitted by Natural England ("NE") at Deadline 7 and Deadline 7A. These submissions in turn draw upon information submitted by NE prior to that deadline.
- 2.2 NE's submissions to which responses are now being provided in this document are the Deadline 7 Submission **[REP7-038]**.
- 2.3 NE also submitted a document at Deadline 7A **[REP7A-004]** on the Change Application submitted by the Applicant. NE's comments on the changes to the DCO application reflect those already made during the consultation undertaken prior to the Change Application. Therefore, NE's comments have already been taken into account and were responded to within Table 9.1 of the Environmental Statement Addendum **[AS-070]**. Overall, it is noted that NE consider the changes to the DCO application do not result in a change to the assessment of impact significance.

3 General Comments

- 3.1 The Applicant provided a response to the ExA's questions in its Report on the Implication for European Sites ("RIES") at Deadline 7 **[REP7-028]** which took into account updated advice provided post Deadline 5 up to Deadline 7.

4 IERRT Appendix 1: Questions within the RIES

- 4.1 The Applicant notes the answers NE has provided to the questions posed within RIES **[PD-018]** as well as confirmation of their positions on likely significant effects ("LSE") and adverse effects on site integrity ("AEol") which are contained in Appendix 1 to their Deadline 7 Submission **[REP7-038]**.

5 Section 2: Likely Significant Effects

Table 1: Natural England response to Table 2.2 RIES questions

- 5.1 The following comments are provided in response to NE's Answers in the Table 1, identified by reference to the 'RIES section / question ref' (provided in the first column of Table 1).
- 5.2 Ref 2.3 – NE's comments with respect to the assessment of potential for accidental spillages to occur during operation are noted. However, it should be recognised that this point is considered 'agreed' between NE and the Applicant as shown in the Statement of Common Ground ("SoCG") between NE and the Applicant **[REP6-010]** (NE key issue ref 20).
- 5.3 Ref 2.4 – NE direct the ExA towards the SoCG between ABP and NE **[REP6-010]** for its position on the screening assessment for air quality impacts. In the SoCG, NE note that this has no material impact on the outcome of the assessment.
- 5.4 Ref 2.13 – This question and answer relate to underwater noise impacts and the distance that should be used for screening impacts. In its answer, NE advise that the MMO review the Applicant's response given in the Applicant's Response to Relevant Representations for Deadline 1 **[REP1-013]**. The

Applicant can confirm that this matter is considered 'agreed' between the MMO and the Applicant as shown in the SoCG between the MMO and the Applicant **[REP6-009]**.

- 5.5 Ref 2.14 – With respect to changes to seabed habitats and features as a result of sediment deposition, NE agrees 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'*. However, they suggest that sediment deposition from maintenance dredging and disposal does have the potential to result in a LSE. Whilst this is not the position of the Applicant, NE agree that this impact pathways would not result in an adverse effect on site integrity, and therefore this issue would have no material impact on the assessment conclusions (also reflected in **[REP6-010]**).

6 Section 3: Adverse Effects on Integrity

Table 2: Natural England response to Table 3.1 RIES questions

- 6.1 The following comments are provided in response to NE's Answers in the Table 2, identified by reference to the 'RIES section / question ref' (provided in the first column of Table 2).
- 6.2 Ref 3.1 – The Applicant notes that it would like to defer to the MMO and its technical advisors on matters relating to underwater noise. Whilst the MMO did not provide a response to this question, if it assists, the Applicant would direct the ExA towards the SoCG between the MMO and the Applicant **[REP6-009]** which notes that the MMO agree with the approach taken for the underwater noise modelling.
- 6.3 Ref 3.2 – With respect to impacts to lamprey from vibro-piling at night, the Applicant can confirm that it is willing to extend the night-time restriction on percussive piling to vibro-piling activities as well, in order to resolve this issue. This is reflected in the Applicant's response to NE's Deadline 6 submission **[REP7-027]**, which the Applicant appreciates would not have been seen by NE when providing its response to this question.
- 6.4 Ref 3.3 – NE confirm that a change from moderate to high sensitivity assigned to marine mammals for the assessment of Permanent Threshold Shift impacts would not change the outcome of the assessment. Consequently, NE agree with the conclusions reached in Sections 4.11.32 and 4.11.39 of the HRA **[REP5-020]** as further updated in the HRAR submitted at Deadline 7) **[REP7-014]**. This is reflected in the SoCG between NE and the Applicant **[REP6-010]** (NE key issue ref 26).
- 6.5 Ref 3.6 – NE considers that an Adverse Effect on Integrity (AEoI) from the project alone can likely be ruled out, however, are unable to rule out AEoI in-combination in relation to the loss of intertidal habitat. Since NE's submission of their responses to the RIES, the Applicant has provided an updated assessment of in-combination effects in the HRAR **[REP7-014]**. This concludes that the loss of intertidal habitat, alone and in-combination, will not

- result in an AEoI. It is appreciated that NE would not have seen the updated HRAR when providing its response to this question.
- 6.6 Ref 3.7 – It is noted that NE broadly agrees with the mitigation measures proposed to ensure no AEoI from underwater noise and vibration impacts on qualifying species during the construction phase. With respect to impacts to lamprey from vibro-piling at night, the Applicant can confirm that it is willing to extend the night-time restriction on percussive piling to vibro-piling activities as well, in order to resolve this issue. This is reflected in the Applicant's response to NE's Deadline 6 submission [REP7-027], though it is again appreciated that NE would not have seen this response from the Applicant when providing its response to this question.
- 6.7 Ref 3.9 – The Applicant notes that NE agree with the conclusion of no AEoI for effects of disturbance resulting from the removal of seabed material during maintenance dredging. The information to support this is clarified within the updated HRAR submitted at Deadline 5 [REP5-020] and further updated in at Deadline 7 [REP7-014], and the agreement between the Applicant and NE is reflected in the SoCG [REP6-010] (NE key issue ref 26).
- 6.8 Ref 3.12 – Since NE's submission of their responses to the RIES, the Applicant has provided an updated assessment of in-combination effects HRAR submitted at Deadline 7 [REP7-014]. This includes further detail on the assessment of effects in-combination with the Immingham Green Energy Terminal ("IGET") project based on the information included in the IGET DCO application (this builds upon the assessment that was provided in the original HRA [APP-115] for the IERRT DCO application for submission, at which time there was limited information available for IGET). The assessment concludes that, both alone and in-combination, the IERRT project will not result in an AEoI. It is appreciated that NE would not have seen the Applicant's updated HRAR when providing its response to this question.
- 6.9 Ref 3.15 – NE state 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). The Applicant has already provided a response to this in its response to NE's Deadline 6 submission [REP7-027] – see paragraphs 4.3 to 4.6. In its answer, NE also make reference to a more recent NatureScot review (2022). This is the Goodship and Furness (2022)¹ report which is a key reference cited multiple times in the Applicant's HRA to the support the assessment. On this basis, the Applicant would reiterate that the approach taken in assessing disturbance to birds is considered entirely appropriate, and neglecting to consider the information provided in the IECS toolkit would ignore an important part of the evidence base.
- 6.10 Ref 3.17, 3.21, 3.22, and 3.24 – NE state it is not content with the assessment of noise disturbance on SPA and Ramsar birds during construction, and cross refers to comments made in its response at Deadline 6 (letter of 13 November 2023 IERRT Appendix 1, key issue 7) [REP6-048]. The Applicant has already

¹ Goodship, N.M. and Furness, R.W. (MacArthur Green) Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283.

- provided a detailed response to NE's comments in its response to NE's Deadline 6 submission [**REP7-027**]. It is appreciated that NE would not have seen this detailed response when providing its response to this question.
- 6.11 Ref 3.24 – NE suggest that the Applicant has provided useful information in signposting documents that relate to bird disturbance during construction that was not included in Appendix E of the HRAR. Since NE's submission of their responses to the RIES, the Applicant has provided an updated HRAR [**REP7-014**] which included further information in Appendix E.
- 6.12 Ref 3.26 – NE and the Applicant are in agreement in that adaptive monitoring is not considered to be necessary to reach a conclusion of no AEoI. NE's response at Deadline 6 (letter of 13 November 2023 [**REP6-048**]) clarified that post construction monitoring is recommended, but that this would provide evidence for future port projects. As stated in paragraphs 3.4 to 3.5 of [**REP7-027**], the Applicant agrees that post construction monitoring should be undertaken in Sector B to understand the abundance and distribution of birds once the IERRT infrastructure is in place and is already committed to doing so.
- 6.13 Ref 3.28 – NE note that the Applicant's response to relevant representations submitted at Deadline 1 [**REP1-013**] does not contain a response to ID25 of NE's submission dated 4 July 2023 [**AS-015**]. However, the Applicant did provide a response in Table 4.7 of Section 4 of their submission [**REP1-013**] on cumulative and in-combination effects, as opposed to Section 3 on biodiversity. Nonetheless, since NE's submission of their responses to the RIES, the Applicant has provided an updated assessment of in-combination effects [**REP7-014**], including further detail on the assessment of effects in-combination with IGET (as noted above). It is appreciated that NE would not have seen the updated HRAR when providing its response to this question.
- 6.14 RIES section 3.2.3 - RIES letter section 3.2.3 Table 40: Summary of Mitigation Measures – NE recommend that Table 40 of the HRAR should be expanded to give full details of mitigation measures, including whether the measure will completely avoid the effect or reduce it to an acceptable level and the level of certainty that this will occur. The updated HRAR [**REP7-014**] now provides this information in response to NE's request, which the Applicant notes NE would not have seen at the time of writing their response to this question.
- 6.15 RIES section 3.2.3 - RIES letter section 3.2.3 Mitigation Measures – NE recommends that the 'Schedule of seasonal restrictions on construction activity' should be included in the HRA. The updated HRAR [**REP7-014**] now provides this information in Appendix E, which the Applicant notes NE would not have seen at the time of writing their response to this question.