

Date: 23 July 2024
Our ref: 481712
Your ref: TR030007



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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.

Current consultation: Consultation letter published by the Examining Authority on 09 July 2024 requesting comments from relevant parties on outstanding issues relating to the Immingham Eastern Ro-Ro Terminal (IERRT) project, following consultation with the Secretary of State for Transport ("the Secretary of State"), with a submission deadline of 23 July 2024.

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.

Following the submission of the letter dated 09 July 2024, Natural England have been requested by the Secretary of State to comment on two areas relating to in-combination assessment in respect of the Habitats Regulations. Please find our comments in relation to each of these in Appendix 1 of this letter.

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
Higher Officer - Terrestrial Sustainable Development
Yorkshire and northern Lincolnshire Area Team

Appendix 1: Natural England's response to the Secretary of State's comments, as outlined in the consultation letter dated 09 July 2024

Summary of Secretary of State's comments / questions addressed to Natural England:

Q1: Does Natural England consider that adverse effects on integrity in-combination with other plans and projects would still occur if IGET is excluded from the assessment of such effects?

Q1 response: To clarify, it was Natural England's [advice](#) at the final deadline of the IERRT Examination (Deadline 9) that there was insufficient information regarding the physical loss of intertidal habitat in-combination; therefore, we advised that adverse effects on integrity for the Humber Estuary SAC could not be ruled out, based on the information provided.

With respect to whether adverse effects on integrity for physical loss of intertidal habitat can be ruled out for other projects (excluding IGET), the only other project which could potentially act in-combination for this feature would be the Humber Stallingborough Phase 3 Sea Defence Improvement Scheme (based on the information provided in the latest [shadow HRA](#) for the IERRT project). However, we advise there are unlikely to be adverse effects on site integrity in-combination with the Stallingborough scheme as the loss of intertidal habitat from this scheme would not affect the ecological functioning of the qualifying feature of 'mudflats and sandflats not covered by seawater at high tide'.

Q2: If not *in reference to Q1*, does Natural England agree that compensatory measures would only be required if IGET were granted consent and details of such measures should therefore be confirmed as part of the assessment of the application for consent for the IGET project?

Q2 response: We are aware that the Applicant has provided further information regarding intertidal habitat loss from the IGET and IERRT projects in the in-combination assessment of the IGET [shadow HRA](#), provided in advance of Deadline 5 of the IGET Examination. Natural England have now confirmed at [Deadline 5](#) of the IGET examination, that based on the updated information provided, we agree with the conclusions of the in-combination assessment for physical loss of (or change to) intertidal habitat, and agree there is unlikely to be adverse effects on integrity.

Following these updates, Natural England consider that in-combination impacts between IERRT and IGET have now been adequately addressed through the IGET project and therefore compensatory measures are no longer required for either project.