

Date: 20 February 2024
Our ref: 462330
Your ref: TR030008



Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

The Planning Inspectorate
Major Applications & Plans
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Imminghamget@planninginspectorate.gov.uk

BY EMAIL ONLY

Dear Inspector,

NSIP Reference Name / Code: TR030008

Natural England's submission in lieu of attendance at Issue Specific Hearing 2 (ISH2) on 21st February 2024.

Please note that the below response is intended to inform the Issue Specific Hearing 2 (ISH2) on 21st February 2024. These answers are not comprehensive at this stage and may be subject to updates in advance of Deadline 1, following further information provided by the Applicant and/or release of the final version of the ExA's first written questions.

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 Elen Squires at [REDACTED] [@naturalengland.org.uk](mailto:[REDACTED]@naturalengland.org.uk) and copy to consultations@naturalengland.org.uk.

Yours faithfully

Alice Megaw
Yorkshire and Northern Lincolnshire Area Team
Natural England

1. Natural England’s submission in lieu of attendance at Issue Specific Hearing 2 (ISH2) on 21st March 2024

Topic	Natural England comments
Design Assessment	<p>Natural England has no comments to make on the Design Assessment as this does not fall within our remit on designated landscapes as set out in <i>Advice Note 11, Annex C – Natural England and the Planning Inspectorate</i>.</p>
Terrestrial Ecology	<p>Natural England notes that 8.1.3 of the Environmental Statement Chapter 8 (APP-050) states that <i>‘the interrelationships related to the potential effects on terrestrial ecology’</i> are discussed in Chapters 6, 7, 9 and 10. Natural England advises that these chapters therefore need to be considered when concluding whether terrestrial ecology impacts are limited to within the site boundary.</p> <p>Based on the Environmental Statement Chapter 6 (APP-048) Natural England advises that further information is required to determine whether air quality impacts on terrestrial ecology are limited to within the site boundary. Natural England highlight that NE44 of our Relevant Representations (RR-019) recommends that the applicant clarifies whether the IGET’s traffic contribution in combination with other scheme’s triggers the air quality screening thresholds to Hatfield Chase Ditches SSSI.</p> <p>Natural England is not providing bespoke advice on the protected species information provided in the Environmental Statement for this project. Please refer to Table 1 of our Relevant Representations (RR-019) for a summary of our standing advice.</p>

Topic	Natural England comments
<p>Cumulative Impacts and In-combination Assessment</p>	<p>Natural England highlight the differing definitions of <i>'in combination effects'</i> and <i>'cumulative effects'</i>, which are noted in 25.1.2 of the Environmental Statement Chapter 25 (APP-067).</p> <p>Natural England highlights that projects currently subject to an application for consent, such as IERRT, should be included in the in-combination assessment.</p> <p>To clarify, plans or projects that should be considered in the in-combination assessment include the following:</p> <ul style="list-style-type: none"> • The incomplete or non-implemented parts of plans or projects that have already commenced; • Plans or projects given consent or given effect but not yet started; • Plans or projects currently subject to an application for consent or proposed to be given effect; • Projects that are the subject of an outstanding appeal; • Ongoing plans or projects that are the subject of regular review; • Any draft plans being prepared by any public body; • Any proposed plans or projects published for consultation prior to application. <p>As stated in NE3 of our Relevant Representations (RR-019), Natural England welcomes the request for the Applicant to consider in-combination effects at the screening stage.</p> <p>In addition to NE37, Natural England advises that the current shadow HRA (APP-238) does not provide a sufficient in-combination assessment for all relevant impacts, as detailed in NE36 of our Relevant Representations (RR-019). We advise that this table should identify where impacts have</p>

Topic	Natural England comments
	<p>been fully avoided through mitigation and where there is still a residual impact that could act in combination. This assessment should consider the residual effects of developments together.</p> <p>Natural England will review the in-combination assessment in more detail after further information is provided about impacts and associated mitigation.</p> <p>The cumulative assessment should consider the cumulative effect of impacts that affect the environmental baseline, but which cannot be considered to be a 'live' plan or project. This should therefore include consideration of past or historic impacts.</p> <p>We do not have any other specific recommendations regarding what should be included in the Cumulative Assessment Long List or Short List.</p>
<p>Decommissioning Proposals</p>	<p>Natural England is broadly satisfied that the mitigation measures proposed in Table 4 of the Outline Decommissioning Environmental Management Plan (APP-222) are appropriate for the impact pathways identified, with these being in line with the impact pathways identified in Table 8-6 of the Environmental Statement Chapter 8 (APP-050).</p> <p>However, Natural England highlight that potential decommissioning impacts have not been assessed in the shadow HRA. We note that reference is provided to Appendix C in the shadow Habitats Regulations Assessment (APP-238), which contains a summary table of impact pathways considered in the HRA, with it recommended that this is undertaken for each phase of the project, including decommissioning. Decommissioning impacts have not been</p>

Topic	Natural England comments
	included. We therefore advise that potential impacts resulting from decommissioning, and any mitigation measures proposed, should be considered in the HRA.

2. Natural England’s comments on the Development Consent Order (DCO) (Version 1.1, 20th February 2024)

Table B: Natural England’s comments on the DCO (Version 1.1, 20th February 2024)

DCO/DML or Omission ref	Natural England’s comments
Article 3 – Application, disapplication and modification of legislative provisions	Natural England has no comments to make on Article 3 – Application, disapplication and modification of legislative provisions as this does not fall within our remit on designated landscapes as set out in Advice Note 11, Annex C – Natural England and the Planning Inspectorate.
Article 18 Discharge of water	Natural England supports the advice provided by the Environment Agency in their Relevant Representations (RR-010) dated 01 December 2023.
Article 19 Authority to survey and investigate the land	Natural England highlights that any operations outside of red line boundary (order limits) should require appropriate permissions, including assent from Natural England for any planned activity that’s likely to damage the Humber Estuary SSSI or land near the site’s boundary - i.e. survey work, intrusive site investigations (boreholes etc).
Article 6 Construction Environmental Management Plan	Natural England welcomes the commitment to secure the Construction Environmental Management Plan (APP-221), however we refer to our outstanding comments regarding mitigation measures. Natural England highlight NE29 of our Relevant Representations (RR-019) which advises that an overall biosecurity management plan including the operational facility is produced.
Article 45 Powers to dredge	This Article appears to contradict the DML Article 4(3) that <i>‘It is acknowledged that pursuant to section 75 of the 2009 Act the undertaker does not need a marine licence to carry out maintenance dredging within the statutory harbour authority area of the Port of Immingham and that the disposal of dredged arisings for such maintenance dredging is permitted in accordance with the existing marine licence.’</i> Please clarify.