



# Immingham Green Energy Terminal

9.17 Draft Agreed Statement of Common Ground between  
Associated British Ports, Air Products (BR) Limited and  
Natural England

Infrastructure Planning (Examination Procedure) Rules 2010  
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## Status of the Statement of Common Ground

Associated British Ports, Air Products, and Natural England agree that this draft Statement of Common Ground (SoCG) is an accurate description of the matters raised and the current status of each matter.

### On Behalf of Associated British Ports

Name	[REDACTED]
Position	Project Development Manager
Organisation	Associated British Ports
Signature	[REDACTED]

### On Behalf of Air Products

Name	[REDACTED]
Position	Commercial Director
Organisation	Air Products
Signature	[REDACTED]

### On Behalf of Natural England

Name	[REDACTED]
Position	Senior Advisor
Organisation	Natural England
Signature	[REDACTED]

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# 1 Introduction

## Overview

- 1.1 This Statement of Common Ground (“SoCG”) has been prepared to accompany an application made to the Secretary of State for Transport (the Application”) under section 37 of the Planning Act 2008 (“PA 2008”) for a development consent order (“DCO”) to authorise the construction and operation of the proposed Immingham Green Energy Terminal (“the Project”).
- 1.2 The Application is submitted by Associated British Ports (ABP) (hereafter referred to as the Applicant). ABP was established in 1981 following the privatisation of the British Transport Docks Board. The **Funding Statement [APP-010]** provides further information on the Applicant.
- 1.3 The Project as proposed by ABP falls within the definition of a Nationally Significant Infrastructure Project (“NSIP”) as set out in Sections 14(1)(j), 24(2) and 24(3)(c) of the PA 2008.

## The Project

- 1.4 ABP is seeking to construct, operate and maintain the Immingham Green Energy Terminal, comprising a new multi-user liquid bulk green energy terminal located on the eastern side of the Port of Immingham (the “Port”).
- 1.5 The Project includes the construction and operation of a green hydrogen production facility, which would be delivered and operated by Air Products (BR) Limited (“Air Products”). Air Products will be the first customer of the new terminal, whereby green ammonia will be imported via the jetty and converted on-site into green hydrogen, making a positive contribution to the UK’s net zero agenda by helping to decarbonise the United Kingdom’s (UK) industrial activities and in particular the heavy transport sector.
- 1.6 A detailed description of the Project is included in **Chapter 2: The Project** of the Environmental Statement (“ES”) [**APP-044**].

## Parties to this Statement of Common Ground

- 1.7 This SoCG has been prepared by (1) ABP (as the Applicant), (2) Air Products and (3) Natural England (NE).
- 1.8 ABP is the promoter of the Project and the owner and operator of the Port of Immingham.
- 1.9 Air Products is to be the first user of the new terminal with the construction of its green hydrogen production facility.
- 1.10 Natural England is the governments advisor on the natural environment. Its purpose is to help, conserve, enhance and manage the natural environment for the benefit of present and future generations, thereby contributing to sustainable development. It was created as a Non-Departmental Public Body under the provisions of the Natural Environment and Rural Communities Act 2006 and is formally accountable to the Secretary of State for the Environment, Food and Rural Affairs. It is responsible for ensuring that England’s natural environment,

including its land, flora and fauna, freshwater and marine environments, geology and soils, are protected and improved.

- 1.11 In this SoCG, ABP, Air Products and Natural England are collectively referred to as “the Parties”.

### **Purpose and Structure of this Document**

- 1.12 The purpose of this document is to identify and summarise any agreement, disagreement or matters outstanding between the parties on matters relevant to the examination so as to assist the Examining Authority (ExA) in its consideration of the Application.
- 1.13 In preparing this SoCG, the guidance provided in ‘Planning Act 2008: examination of application for development consent’ (Department for Communities and Local Government (as it then was), March 2015) has been fully taken into account. In addition, this SoCG has had due regard to the Examining Authority’s **Rule 6 letter [PD-005]**.
- 1.14 Section 1 of this SoCG is designed to act as a general introduction to the Project and to the parties concerned.
- 1.15 Section 2 of this SoCG sets out a summary of the correspondence and engagement between the parties to date.
- 1.16 Section 3 of this SoCG sets out the matters which have been agreed or which remain outstanding, together with any matters upon which it has not been possible to reach agreement.
- 1.17 The Tables in Section 3 use a colour coding system to indicate the status of the matters between the Parties as follows:
- (a) Green – matter agreed;
  - (b) Orange – matter ongoing;
  - (c) Red – matter not agreed; and
  - (d) Yellow – matter not agreed – no material impact.

## 2 Summary of Engagement

- 2.1 A summary of the consultation and engagement between ABP, Air Products and Natural England up to the date of this SoCG in relation to the Project generally and concerning the matters raised in this SoCG specifically is presented in Table 2-1.
- 2.2 It is agreed by the Parties to this SoCG that Table 2-1 is an accurate record of the meetings and key correspondence between the Parties.

**Table 2-1 – Record of Engagement**

Date	Form of Contact	Summary with key outcomes and points of discussion
<b>Pre-Application</b>		
10 October 2022	EIA Scoping Opinion was adopted by the Secretary of State	Natural England was consulted at EIA Scoping stage.
21 November 2022	In person meeting	Introduction to the Project including the Project programme and the potential for effects in the marine and terrestrial environment.
9 January to 20 February 2023	First Statutory Consultation	Natural England was consulted by ABP as part of the First Statutory Consultation.
11 January 2023	MS Teams	Technical discussions around tree loss, collision risk for marine mammals, the temporary construction area and the Habitat Regulations Assessment (HRA).
16 March 2023	Letter attached to email	Natural England provided their response to the First Statutory Consultation. In summary their main comments related to: <ol style="list-style-type: none"> <li>1. Internationally and nationally designated sites – potential impacts on the Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI).</li> <li>2. Habitats Regulation Assessment screening – Natural England indicated their broad agreement with the high-level impact pathways identified but advised that future iterations would need to provide further detail.</li> <li>3. Chapter 6: Air Quality – comments around ammonia emissions from road traffic, potential air quality impacts from marine vessels and potential dust emissions during the construction phase, potential air quality impacts from marine vessel</li> </ol>

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Date	Form of Contact	Summary with key outcomes and points of discussion
		<p>emissions and landside plant emissions during the operation phase.</p> <ol style="list-style-type: none"> <li>4. Chapter 8: Nature Conservation (Terrestrial Ecology) – Natural England did not review this section in detail and advised they would provide detailed comments in their relevant representation;</li> <li>5. Chapter 9: Nature Conservation (Marine Ecology) – comments on potential effects from permanent direct loss of intertidal and subtidal habitat during construction and operation, potential effects from capital and maintenance dredging and disposal of dredged material to sea during construction and operation, assessment of impacts on Sea and River Lamprey (migratory fish) during construction and assessment of impacts on marine mammals during construction and operation.</li> <li>6. Chapter 10: Ornithology – Natural England confirmed they agreed that potential impacts on the Greater Wash SPA could be scoped out. Natural England provided comments in relation to Humber Estuary SPA/ Ramsar birds.</li> <li>7. Chapters 16 and 17: Physical Processes and Marine Water and Sediment Quality – Natural England indicated their broad agreement with the scope of these assessments however noted that they may provide additional comments when further sediment sampling and physical processes modelling is complete.</li> <li>8. Chapter 25: In-Combination Screening Assessment – Natural England asserted that the HRA will need to consider in-combination impacts from other relevant projects and plans and provided further guidance on what this assessment should include.</li> <li>9. Provision of other advice in relation to local sites and priority habitats and species, environmental and biodiversity enhancement, rights of way, access land, coastal access and National Trails.</li> </ol>
24 May 2023 to 20 July 2023	Second Statutory Consultation	Natural England was consulted as part of the Second Statutory Consultation.
28 June 2023	Email	Natural England provided their response to the Second Statutory Consultation. In summary their comments related to:

Date	Form of Contact	Summary with key outcomes and points of discussion
		<ol style="list-style-type: none"> <li>1. Request for better consultation methods to be used in approach to statutory consultation and moving forward, a request for ABP to work collaboratively with Natural England moving forward.</li> <li>2. Internationally and nationally designated sites – consideration of potential impacts on the Humber Estuary EAC, SPA, Ramsar and SSSI and the North Killingholme Haven Pits SSSI.</li> <li>3. Proposed design changes and re-design of the jetty structure.</li> <li>4. Long Strip TPO woodland – supports the commitment from ABP to submit a Woodland Compensation Strategy.</li> </ol>
2 August 2023	MS Teams	Technical discussions around tree loss, collision risk for marine mammals, the temporary construction area and the HRA.
<b>Post-DCO Submission</b>		
18 October 2023	Email Exchange	Sharing of DCO application documents in advance of upload for early sight.
3 November 2023	Email Exchange	Provision of Terms of Reference (ToR) for review.
8 December 2023	Email Exchange	Share of revised ToR and discussions for meeting to discuss engagement plan.
20 December 2023	Email Exchange	Discussion of availability for dates.
8 January 2024	Email Exchange	Proposed amendments to ToR.
9 January 2024	MS Teams	<p>Meeting to reintroduce Project to the team. An update on the proposed Project was provided with information shared on what has changed since the Preliminary Environmental Information Report (PEIR).</p> <p>An overview of ABP's interpretation of the Relevant Representations was provided to ensure that Natural England were in agreement on the pertinent topics for discussion.</p> <p>ABP also outlined their approach to the Construction Environmental Management Plan (CEMP) and explained</p>



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Date	Form of Contact	Summary with key outcomes and points of discussion
		<p>that it would be split into a landside and marine component.</p> <p>It was agreed that an engagement plan would be agreed and followed with an agenda of meetings to discuss concerns raised.</p>
19 February	Email Exchange	Submission of Minutes from meeting of 9 <sup>th</sup> January, proposed engagement plan and Terms of Reference
22 February	Email Exchange	Draft SoCG and draft responses to relevant representations provided.
5 March	MS Teams	<p>Meeting to discuss the draft SoCG and draft responses to Natural England's relevant representations.</p> <p>Comments around the soils and land quality elements were covered to provide clarity on the applicability of methods used.</p> <p>The topic of air quality was discussed with specialists to provide further explanation of the approaches taken. It was agreed that some areas could be signed off but continued discussions were required on some matters.</p> <p>Concerns around habitats were discussed and additional information provided, The Shadow Habitats Regulations Assessment has been updated in response to concerns and will be submitted at Deadline 1 so Natural England are able to comment in context.</p> <p>Concerns around bird features were discussed and sources of baseline data shared. Some elements of concern were captured for further discussion and elements will be provided in the updated Shadow Habitats Regulations Assessment submitted at Deadline 1.</p> <p>Concerns relating to marine mammals and fish were discussed at high level with general agreement on the approaches taken.</p> <p>Natural England confirmed that some additional comments would be provided at Deadline 1 and Deadline 2 but conversations would continue.</p>

### 3 Matters Agreed and Matters Not Agreed

- 3.1 It is agreed that the record of engagement included in the **Consultation Report [APP-022]** submitted with the Application, accurately sets out the consultation and engagement undertaken between the Parties in relation to the Application. In particular, the following chapters:
- 3.1.1 Chapter 6 Air Quality [**APP-048**];
  - 3.1.2 Chapter 8 Nature Conservation (Terrestrial) [**APP-050**];
  - 3.1.3 Chapter 9 Nature Conservation (Marine Ecology) [**APP-051**];
  - 3.1.4 Chapter 10 Ornithology [**APP-052**];
  - 3.1.5 Chapter 11 Traffic and Transport [**APP-053**];
  - 3.1.6 Chapter 16 Physical Processes [**APP-058**];
  - 3.1.7 Chapter 17 Marine Water and Sediment Quality [**APP-059**];
  - 3.1.8 Chapter 25 Cumulative and In-Combination Effects [**APP-067**];
  - 3.1.9 Document 7.3 Without Prejudice Report to Inform Habitats Regulations Assessment Derogation [**APP-235**];
  - 3.1.10 Document 7.6 Shadow Habitats Regulations Assessment [**APP-238**]; and
- 3.2 Table 3-1 contains a list of ‘matters agreed’ (shaded green); a list of matters in respect of which discussion is ongoing (shaded orange); a list of matters not agreed (shaded red); and a list of matters not agreed not of no impact (shaded yellow) at the date of the Examination along with a concise commentary of what the item refers to and how it came to be agreed between the Parties (as applicable).

**Table 3 - List of Matters Agreed, Matters Outstanding and Matters Not Agreed**

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
<b>General</b>							
G1	Stakeholder Engagement	Consultation Report [APP-022]	Natural England confirms the Applicant's record of engagement as set out in the Consultation Report [APP-022] and Table 2-1 of this SoCG is accurate.	ABP confirms the record of engagement as set out in the Consultation Report [APP-022] and Table 2-1 of this SoCG is accurate.	As per ABPs position.	Agreed	4 December 2023
G2	Stakeholder Engagement	Consultation Report [APP-022]	Natural England consider that ABP is engaging with Natural England's statutory consultation response. We welcome that additional information has been provided in ABP's draft response to Natural England's Relevant Representations [TR030008/EXAM/9.2]. Discussions are ongoing regarding outstanding issues.	ABP understands that Natural England gave their opinion and comments regarding the Project in their statutory consultation response and seeks agreement from Natural England that ABP has listened to their response.	As per ABPs position.	Discussion ongoing	
G3	Construction Environmental Management Plan	2.1 Draft Development Consent Order [APP-006] 6.5 Outline Construction Environmental Management [APP-221]	Natural England welcomes ongoing discussions with ABP and Air Products regarding the CEMP.	ABP and Air Products intend to progress negotiations with Natural England and other relevant stakeholders of the Final CEMP(s) now in order to reach a position where the content of the final CEMP(s) is advanced as far as possible and agreed with relevant parties prior to the end of the Examination for the Project. This approach would allow for an efficient approval of the CEMP(s) for the landside works for North East Lincolnshire Council ("NELC") (in consultation with the Marine Management Organisation (MMO) in relation to Work No. 1) secured under Requirement 6 of the draft DCO [PDA-004] and for the works in the marine area by the MMO (in consultation with NELC) secured by Condition 8 of the deemed marine licence and enable site works to commence at the earliest opportunity, which is a necessity of the programme for delivery of the Project. It is intended at present that the Final CEMP will form at least three separate documents:	As per ABPs position.	Discussion ongoing	

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
				<p>1. CEMP relating to all works in the UK marine area (i.e. all works below Mean High Water Spring "MHWS") which would be for the MMO to approve;</p> <p>2. CEMP relating to that part of Work No.1 which is landward of MHWS and Work No. 2 which would be approved by NELC.</p> <p>3. CEMPs relating to the other landside works which would also be phased and would also be approved by NELC.</p> <p>ABP will discuss this approach further with Natural England.</p>			
G5	Scope of assessment	Chapter 9: Nature Conservation (Marine Ecology) [APP-051] and Chapter 10: Ornithology [APP-052]	Natural England agrees that the scope of assessment presented in Chapters 9 and 10 of the Environmental Statement (ES) is appropriate, with additional clarification provided where requested.	The scope of assessment presented in Chapters 9 and 10 of the Environmental Statement (ES) [APP-051, APP-052] is in line with that set out in PEIR with additional clarification provided where requested.	As per ABPs position.	Agreed	4 December 2023
G6	Methodology	Chapter 9: Nature Conservation (Marine Ecology) [APP-051] and Chapter 10: Ornithology [APP-052]	Overall, the assessment methodology applied in Chapters 9 and 10 of the ES is considered robust; however, discussions are ongoing regarding some aspects where we have outstanding comments.	The assessment methodology applied in Chapters 9 and 10 of the ES [APP-051, APP-052] is robust and consistent with relevant guidance.	As per ABPs position.	Discussion ongoing	
G7	Baseline data and information sources	Chapter 9: Nature Conservation (Marine Ecology) [APP-051] and Chapter 10: Ornithology [APP-052]	Natural England agrees that the baseline data and information sources to inform the description of the baseline environment are considered adequate and sufficient to inform the environmental assessment.	Baseline data and information sources to inform the description of the baseline environment are considered adequate and sufficient to inform the environmental assessment and represent best available evidence.	As per ABPs position.	Discussion ongoing	
<b>Shadow HRA</b>							
NE1	Shadow HRA	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England agrees with the information provided in Table 2 of the shadow HRA regarding the qualifying features relevant to the screening assessment. They broadly agree with the conclusions in Tables 3 – 5 regarding the potential for likely significant effects	ABP acknowledge Natural England's position regarding the qualifying features.	As per ABPs position.	Agreed	4 December 2023

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			<p>on the relevant designated sites, except where detailed comments are provided below (key issue ref NE2 and NE3).</p> <p>Natural England confirm that this matter is agreed, based on the information provided.</p>				
NE2	Shadow HRA	<p>Shadow HRA [APP-239] Chapter 10: Ornithology [APP-052] Relevant Representations [RR-019]</p>	<p>Natural England has requested further evidence with respect to the potential lighting effects on wintering wading birds during construction and operation.</p> <p>Natural England welcomes the further information provided in ABP's draft response to relevant representations [TR030008/EXAM/9.2]. Natural England advises that we are content that impacts on SPA birds using intertidal areas has been addressed. Please provide additional information on impacts on waterbirds using open water such as shelduck.</p> <p>Natural England advises that the potential impacts of the flare stacks on SPA birds should be considered within the Shadow HRA.</p> <p>Natural England welcomes the further information provided in ABP's draft response to relevant representations [TR030008/EXAM/9.2]. Discussions are ongoing for this issue.</p>	<p>Further clarifications in relation to lighting effects and flare stacks, during construction and operation has been provided in the ABP's draft response to relevant representations [TR030008/EXAM/9.2]. The updated Shadow HRA [TR030008/APP/7.6(2)] will also include this information.</p>	As per ABPs position.	Discussion ongoing	
NE3	HRA screening comments – In- combination assessment at screening stage	<p>Shadow HRA [APP-239] Relevant Representations [RR-019]</p>	<p>Natural England highlights that the shadow HRA does not appear to include an in-combination assessment following the screening stage of the HRA.</p> <p>Natural England welcomes the commitment to update the Shadow HRA and will review the information when submitted.</p>	<p>ABP will update Tables 3 to 5 of the Shadow HRA [TR030008/APP/7.6(2)] to make it clear how projects have been considered alone and in-combination.</p>	As per ABPs position.	Discussion ongoing	

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
NE4	HRA - The potential for an AEol due to the direct loss of qualifying intertidal habitat	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England advise that further information is required to determine whether a conclusion of no adverse effect on integrity (AEol) from direct loss of intertidal habitat can be reached (Table 7 in the shadow HRA). The appropriate assessment should be set in the context of the Supplementary Advice for the Humber Estuary SAC.  Natural England welcomes that further information has been provided regarding this issue and we will review the updated assessment. However, discussions are ongoing at this stage.	ABP consider that Table 7 of the Shadow HRA [APP-239] already addresses this requirement. However, for completeness further clarity is provided in the draft response to relevant representations [TR030008/EXAM/9.2]. This contains further assessment detailing potential effects in the context of both the site's conservation objectives and relevant attributes/ targets for the Humber Estuary SAC. The updated Shadow HRA [TR030008/APP/7.6(2)] will also include this information.	As per ABPs position.	Discussion ongoing	
NE5	HRA - The potential for an AEol due to the direct loss of supporting intertidal habitat on qualifying species	Shadow HRA [APP-239] Relevant Representations [RR-019]	Table 8 of the shadow HRA identifies that there will be no AEol on bird species which are SPA/ Ramsar site features. Natural England agrees with this conclusion, based on the information provided.  Natural England confirm that this matter is agreed, based on the information provided.	ABP acknowledge Natural England's position regarding no AEol on bird species.	As per ABPs position.	Agreed	4 December 2023
NE6	HRA - The potential effects of the direct loss of qualifying subtidal habitat	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England advise that it is not possible to agree with the conclusion of no AEol for this impact pathway on subtidal habitat (Table 9 in the shadow HRA).  Natural England welcomes the additional information provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2]. We consider that this matter can be agreed, based on the information in the shadow HRA (Table 9) and the additional provided.	ABP consider that Table 9 of the Shadow HRA [APP-239] already addresses this requirement. However, for completeness further clarity is provided in the draft response to relevant representations [TR030008/EXAM/9.2]. This contains further assessment detailing potential effects in the context of both the site's conservation objectives and relevant attributes/ targets for the Humber Estuary SAC. The updated Shadow HRA [TR030008/APP/7.6(2)] will also include this information.	As per ABPs position.	Agreed	8 March 2024
NE7	HRA – SPA qualifying features	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England advises that the most recent list of component species of the Humber Estuary SPA waterbird assemblage should be referred to in determining the relevant features, with justification	<b>Screening of SPA assemblage species</b>  The rationale for screening in both qualifying and assemblage SPA	As per ABPs position.	Agreed	8 March 2024



ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			<p>provided where impacts on a more limited list of species are assessed.</p> <p>Natural England highlight that consideration may also need to be given to Sector B bird survey data as this is approximately 280m from the terminal construction zone. Therefore, the assessment should be refined once the exact location of the new jetty is known.</p> <p>Natural England recommends that the relevant bird survey results are collated and presented by month to demonstrate the pattern of usage across the year.</p> <p>Natural England welcomes the additional information provided in ABP's draft response to Natural England's Relevant Representations [TR030008/EXAM/9.2], and agrees that these points in relation to bird data have been addressed.</p> <p>Natural England welcomes the commitment to update the shadow HRA with this information.</p>	<p>species is provided in Table 2 of the Shadow HRA [APP-239].</p> <p>Further information on the screening process is provided in ABPs draft response to Natural England's Relevant Representations [TR030008/EXAM/9.2].</p> <p>A table listing all the assemblage species listed in Appendix A of the Natural England relevant representation and the screening rationale for each of these species will also be provided as an appendix to the updated Shadow HRA [TR030008/APP/7.6(2)].</p> <p><b>Consideration of Sector B data</b></p> <p>Sector B is located over 400 m from the jetty and associated construction zone, and therefore birds in this area are considered to be out of the zone of influence of potential effects associated with the proposed development. However, in order to provide wider contextual data, Annex A.2 of Appendix A of the Shadow HRA [APP-239] provides bird data for Sector B.</p> <p><b>Presentation of monthly bird data</b></p> <p>Relevant bird survey results for Sector C have been collated and presented by month to demonstrate the pattern of usage across the year. This is presented in Table 1 of Annex A.1 of the Shadow HRA [APP-239].</p> <p>Further detail regarding this data is provided in ABPs draft response to Natural England's Relevant Representations [TR030008/EXAM/9.2].</p>			
NE8	HRA – The potential effects due to changes to waterbird foraging and roosting habitat as a result of the presence of marine infrastructure during operation on qualifying species.	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England previously advised that further information was needed, particularly on the locations of turnstone and black tailed godwit roosts and whether the function of these areas as roost sites will be affected by the development. Consideration should	Further clarification with respect to these roost sites and changes to the foraging and roosting habitat within and outside the red line boundary has been provided in the ABP's draft response to relevant representations [TR030008/EXAM/9.2].	As per ABPs position.	Agreed	8 March 2024

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			<p>be given to potential changes to the foraging and roosting habitat within and outside the red line boundary.</p> <p>Natural England welcomes the additional information provided in ABP's draft response to Natural England's Relevant Representations [TR030008/EXAM/9.2], and agrees this point in relation to roosting and foraging habitat for SPA waterbirds have been addressed.</p>				
NE9	HRA - The potential effects of changes to qualifying habitats as a result of the removal of seabed material during capital dredging	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England advises that although we agree with the conclusions reached in Table 11 within the shadow HRA of no AEoI for this impact pathway, the dredging and subsequent deposition should be timed with the tide and circulation timings following the guidelines of safe disposal in the site.</p> <p>Natural England confirm that this matter is agreed, based on the information provided.</p>	<p>ABP acknowledge Natural England's position regarding impacts of dredging on benthic habitats. Further rationale as to why the suggested mitigation is not appropriate in the context of the Humber Estuary is provided in ABP's draft response to relevant representations [TR030008/EXAM/9.2].</p>	As per ABPs position.	Agreed	4 December 2023
NE10	HRA – The potential effects of changes to qualifying habitats as a result of sediment deposition during capital dredging	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England agrees with the conclusion detailed in Table 12 the shadow HRA of no AEoI for this impact pathway.</p> <p>Natural England confirm that this matter is agreed, based on the information provided.</p>	<p>ABP acknowledge Natural England's position regarding no AEoI from dredging on benthic habitats.</p>	As per ABPs position.	Agreed	4 December 2023
NE11	HRA - Changes to qualifying habitats as a result of sediment deposition during capital dredge disposal	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England agree that with the assessment provided in Table 13 of the shadow HRA that the impacts will be small scale or short lived and is not likely to cause an adverse effect on integrity of the Humber SAC/Ramsar.</p> <p>Natural England confirm that this matter is agreed, based on the information provided.</p>	<p>ABP acknowledge Natural England's position regarding no adverse effect from dredging on habitats.</p>	As per ABPs position.	Agreed	4 December 2023



ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
NE12	HRA – comment on benthic assessment	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England agrees that the disposal site is impoverished, however they disagree with the dredge site being classified as impoverished.  Natural England is now satisfied that this issue has been resolved with the additional information provided in ABP's draft response to Natural England's Relevant Representations [TR030008/EXAM/9.2].	With respect to subtidal benthic communities, use of the term 'impoverished' is considered appropriate for describing benthic communities within the dredge footprint. Detail on this provided in ABPs draft response to Natural England's Relevant Representations [TR030008/EXAM/9.2].	As per ABPs position.	Agreed	8 March 2024
NE13	HRA - The potential effects of changes to qualifying habitats as a result of the removal of seabed material during maintenance dredging	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England requires further information to determine whether the maintenance dredging operation has the potential to result in an AEol.  Furthermore, Natural England do not agree with the statement that the seabed in the project area is of limited ecological value. The seabed at the Port of Immingham is part of a designated feature of the Humber Estuary SAC (Subtidal muddy sand), which primarily constitutes the project area and is a sub-type of the Annex I notified feature "H1110 Sandbanks which are slightly covered by sea water all the time" and is part of the Humber Estuary SAC.  Natural England is now satisfied that this issue has been resolved with the additional information provided in ABP's draft response to Natural England's Relevant Representations [TR030008/EXAM/9.2].	<b>Maintenance dredging frequency and footprint</b> Further clarification with respect to maintenance dredging has been provided in the ABP's draft response to relevant representations [TR030008/EXAM/9.2].  <b>Maintenance dredge habitat characterisation</b> The subtidal seabed habitat within and near the maintenance dredging area is not considered characteristic of the standard JNCC description of 'H1110 Sandbanks which are slightly covered by sea water all the time'. Further clarification has been provided in the ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2].	As per ABPs position.	Agreed	8 March 2024
NE14	HRA - Indirect loss or change to qualifying habitats and species as a result of changes to hydrodynamic and sedimentary processes as a result of the marine works	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England is satisfied that the effects of the project works on the hydrodynamic and sedimentary processes will be small in scale and are not likely to cause an adverse effect on integrity of the Humber SAC (Table 15 of the shadow HRA).	ABP acknowledge Natural England's position regarding no adverse effect from changes to hydrodynamic and sedimentary processes.	As per ABPs position.	Agreed	4 December 2023

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			Natural England confirm that this matter is agreed, based on the information provided.				
NE15	HRA - Indirect changes to qualifying habitats of changes to hydrodynamic and sedimentary processes during capital dredge disposal	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England agrees that changes to bathymetry at the dredge disposal site will be small and is not likely cause an adverse effect on integrity of the Humber SPA/ SAC (Table 16 of the shadow HRA).  Natural England confirm that this matter is agreed, based on the information provided.	ABP acknowledge Natural England's position regarding no adverse effect from dredge disposal.	As per ABPs position.	Agreed	4 December 2023
NE16	HRA - Direct changes to qualifying habitats beneath marine infrastructure due to shading	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England is satisfied that shading will not cause any direct changes to qualifying habitats beneath the marine infrastructure and is not likely to cause an adverse effect on integrity of the Humber SAC (Table 15 of the shadow HRA).  Natural England confirm that this matter is agreed, based on the information provided.	ABP acknowledge Natural England's position regarding no adverse effect from shading.	As per ABPs position.	Agreed	4 December 2023
NE17	HRA – The potential effects of elevated SSC during capital dredging and capital dredging disposal on qualifying habitats and species	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England agree with the Applicant's conclusion of no AEol for this impact pathway (Table 21 and 22 of the shadow HRA).  Natural England confirm that this matter is agreed, based on the information provided.	ABP acknowledge Natural England's position regarding no adverse effect from elevated suspended sediments.	As per ABPs position.	Agreed	4 December 2023
NE18	HRA – The potential effects of the release of contaminants during capital dredging and capital dredging disposal on qualifying habitats and species	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England notes the results of the sediment contaminant analysis at the project site and agrees with the conclusions of no AEol for these impact pathways (Table 23 and 24 of the shadow HRA).  Natural England confirm that this matter is agreed, based on the information provided.	ABP acknowledge Natural England's position regarding no adverse effect from contaminated sediments.	As per ABPs position.	Agreed	4 December 2023

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
NE19	Airborne Noise and Visual Disturbance to birds during construction	Shadow HRA [APP-239] Relevant Representations [RR-019] Chapter 10: Ornithology [APP-052]	<p>Natural England recommends that the relevant bird survey results are collated and presented by month to demonstrate the pattern of usage across the year.</p> <p>The appropriate assessment should identify any key areas that black tailed godwit and turnstone are using for roosting and whether these are likely to be affected by construction activities.</p> <p>Natural England advises that noise measurements are monitored at an additional location in closer proximity to the proposed works.</p> <p>Natural England notes that a 200m potential disturbance distance is relied upon in the assessment of noise and visual disturbance impacts. Natural England acknowledges that 200m is generally considered an acceptable disturbance distance for most construction activities within a port environment where birds will show some habituation to human activity. However, Natural England advise that a precautionary approach is taken to noise disturbance distances for piling.</p> <p>Natural England advises it is important note that preventing disturbance is not just about avoiding starvation for individuals, it is also about ensuring that a bird is fit enough to migrate to breeding grounds and reproduce and maintain the population.</p> <p>Natural England advises that it should not be assumed that birds would be expected to redistribute to nearby foreshore in the Immingham/Grimsby area and continue to feed and roost in these alternative locations following dispersal.”.</p> <p>Natural England also request clarification as whether the noise</p>	<p>ABP has provided a detailed response to each of these points in their draft response to Natural England’s Relevant Representations [TR030008/EXAM/9.2].</p> <p>The updated Shadow HRA [TR030008/APP/7.6(2)] will also include this information where appropriate.</p>	As per ABPs position.	Discussion ongoing	

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			<p>assessment includes combined effect of noise from terrestrial and marine works.</p> <p>Natural England welcomes the additional information provided, however due to the limited time to review the information we aim to comment further on this issue for Deadline 2.</p>				
NE20	Airborne Noise and Visual Disturbance to birds during construction – Programming of works	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England advise that programming of the marine construction works should be considered so that the most disturbing works (including approach jetty) are carried out in the summer and early autumn, with works that are less disturbing to the SPA birds taking place during the coldest months (December to February inclusive).</p> <p>Natural England welcome the additional information provided on this point, however due to the limited time to review the information, we aim to comment further on this issue for Deadline 2.</p>	<p>ABP has already addressed Natural England’s concerns through the mitigation measures proposed for IGET. This is detailed in the Shadow HRA [APP-239]. Further clarification is provided in ABP’s draft response to Natural England’s relevant representations [TR030008/EXAM/9.2].</p>	As per ABPs position.	Discussion ongoing	
NE21	Airborne Noise and Visual Disturbance to birds during construction – Proposed mitigation	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England has a number of concerns with respect to the proposed mitigation measures for impacts of noise on non-breeding birds (Table 27 of the shadow HRA).</p> <p>Natural England welcomes the additional information provided on this point, however due to the limited time to review the information, we aim to comment further on this issue for Deadline 2</p>	<p>ABPs assessment of noise effects and potential mitigation relating to noise disturbance was specifically developed based on guidance previously provided by Natural England.</p> <p>It remains ABPs view that the proposed mitigation will mitigate impacts of noise and visual disturbance from construction to a level that would not be considered an AEol (acknowledging even if some disturbance may occur, it would only be of limited consequence and not constitute an AEol) when considered against the site’s conservation objectives.</p> <p>ABP welcomes Natural England’s suggestion of the use of GPS and markers on the mudflats as a potential option that could be used to improve certainty about distances. The</p>	As per ABPs position.	Discussion ongoing	

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				<p>feasibility of this option will be explored further in consultation with Natural England.</p> <p>In principle, a suitably qualified Ecological Clerk of Works (ECoW) is a suggestion that ABP will consider for appropriate activities during the construction period. The possibility of using an ECoW during construction will be discussed with Natural England.</p> <p>Further clarification is provided in ABP's draft response to Natural England's relevant representations <b>[TR030008/EXAM/9.2]</b>. The updated Shadow HRA <b>[TR030008/APP/7.6(2)]</b> will also include this information where appropriate.</p>			
NE22	Effects of airborne noise and visual disturbance to birds during operation	Shadow HRA <b>[APP-239]</b> Relevant Representations <b>[RR-019]</b>	<p>Natural England advises that further assessment is required regarding operational noise and visual disturbance impacts on SPA birds during operation, including turnstone and black tailed godwit (Table 28 in shadow HRA).</p> <p>Natural England welcomes the additional information provided in ABP's draft response to Natural England's Relevant Representations <b>[TR030008/EXAM/9.2]</b> and agrees that this point has been addressed.</p> <p>Natural England welcomes the commitment to update the shadow HRA with this information.</p>	<p>ABP has provided a detailed response to this in their draft response to Natural England's Relevant Representations <b>[TR030008/EXAM/9.2]</b>. The updated Shadow HRA <b>[TR030008/APP/7.6(2)]</b> will also include this information where appropriate.</p> <p>It remains ABPs view that the operational phase of the project will not result in disturbance to a level that would be considered an AEol (acknowledging even if some disturbance may occur, it would only be of limited consequence and not constitute an AEol) when considered against the site's conservation objectives.</p>	As per ABPs position.	<b>Agreed</b>	8 March 2024
NE23	HRA - Underwater noise and vibration during marine piling on qualifying species of marine mammals	Shadow HRA <b>[APP-239]</b> Relevant Representations <b>[RR-019]</b>	<p>It would be Natural England's preference for the underwater noise pathways (injury and behavioural disturbance) to be assessed separately.</p> <p>Natural England is supportive in principle of the mitigation outlined</p>	<p>Within the Shadow HRA <b>[APP-239]</b> (paras 4.1.6 to 4.11.13, 4.11.29 to 4.11.42), underwater noise effects on marine mammals are considered under one impact pathway. However, the ranges at which injury effects are predicted, as well as the ranges at</p>	As per ABPs position.	<b>Matter not agreed – no material impact</b>	



ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			<p>to reduce the risk of injury to marine mammals during piling (Table 29 of the shadow HRA).</p> <p>Natural England suggest that a project-specific Marine Mammal Mitigation Plan is created, to capture the proposed mitigation measures in a standalone document.</p> <p>Natural England is of the opinion that the production of an MMMP would be useful as the project includes non-standard mitigation i.e. cease piling if marine mammals are observed in the mitigation zone.</p> <p>However, this was intended to be a suggestion rather than a condition and would not result in a material difference to the assessment outcome. Therefore, we have re-categorised this as a yellow issue.</p>	<p>which behavioural responses are anticipated are clearly presented. Both of these outcomes are considered in the assessment, along with the potential significance of effects or the level of mitigation that is required.</p> <p>The mitigation for marine mammals is specified in the assessments and captured in both the outline CEMP and draft DML [APP-006]. Therefore ABP do not consider that a further plan is required.</p>			
NE24	HRA – underwater noise effects on marine mammals	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England agree with the Applicant’s conclusions (Table 29 of the shadow HRA) that adverse effect on integrity can be ruled out for The Wash and Norfolk Coast SAC from the project alone, based on the information provided.	ABP acknowledge Natural England’s position regarding no adverse effect from underwater noise on The Wash and Norfolk Coast SAC.	As per ABPs position.	Agreed	4 December 2023
NE25	HRA - Underwater noise and vibration during marine piling on qualifying species of fish	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England notes that vibro-piling may occur overnight and therefore may have an impact on migrating lamprey (Table 29 of shadow HRA). As a result, we advise that the night-time restrictions that have been applied to percussive piling should be extended to include vibro-piling to mitigate impacts to migratory lamprey. If this is not committed to, impacts from night-time vibro-piling on lamprey will need to be assessed and included in the HRA.</p> <p>Natural England welcomes the additional information provided and the commitment to extending the night-time restrictions to include vibro-piling. We consider that this</p>	<p>Vibro-piling and potential impacts on migratory lamprey species are considered in detail within the Shadow HRA [APP-239]. The partial and temporary barrier from vibro-piling alone (including overnight) is not considered to have the potential to result in an AEOI on lamprey.</p> <p>Despite this conclusion ABP is committed to extending the night-time restrictions that have been applied to percussive piling to include vibro-piling. The draft DML will be updated at Deadline 1 to secure this change.</p>	As per ABPs position.	Agreed	8 March 2024

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			matter can be agreed, subject to relevant updates to the shadow HRA, draft DML and associated documents.				
NE26	HRA – Effects of underwater noise and vibration during capital dredge and dredge disposal on qualifying fish	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England agrees with the conclusion of no AEoI for these impact pathways on lamprey (Table 30 of shadow HRA).  Natural England confirm that this matter is agreed, based on the information provided.	ABP acknowledge Natural England's position regarding no adverse effect from dredging on lamprey.	As per ABPs position.	Agreed	4 December 2023
NE27	HRA – Effects of underwater noise and vibration during capital dredge and dredge disposal on qualifying marine mammals	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England agrees with the conclusion of no AEoI for these impact pathways on marine mammals.  Natural England confirm that this matter is agreed, based on the information provided.	ABP acknowledge Natural England's position regarding no adverse effect from dredging on marine mammals.	As per ABPs position.	Agreed	4 December 2023
NE28	HRA – Introduction of non-native species during construction	Shadow HRA [APP-239] Relevant Representations [RR-019]  Outline Construction Environmental Management Plan [APP-221]	Natural England agree with the Applicant's conclusions that there will be no adverse effect on integrity from the potential introduction and spread of non-native species during construction, subject to securing and implementation of the biosecurity measures included in 6.5 Outline Construction Environmental Management Plan (Table 31 of the shadow HRA).  Natural England confirm that this matter is agreed, based on the information provided.	ABP acknowledge Natural England's position regarding no adverse effect from introduction and spread of non-native species during construction. ABP's existing biosecurity management procedures will apply to the construction of the facility.	As per ABPs position.	Agreed	4 December 2023
NE29	HRA – introduction of non-native species during operation	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England agree with the Applicant's conclusions that there will be no adverse effect on integrity from the potential introduction and spread of non-native species during operation, subject to securing and implementation of ABP's existing biosecurity management procedures (Table 32 of the shadow HRA).  However, we would encourage that an overall biosecurity management	ABP's existing biosecurity management procedures will apply to the operational facility.	As per ABPs position.	Matter not agreed – no material impact	

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			<p>plan including the operational facility is produced and we welcome further discussion.</p> <p>Natural England welcomes further discussion on this matter.</p>				
NE30	HRA - Air quality impacts from traffic	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England welcomes the further information provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2] and confirmation that guidance document NEA001 has been used in the assessment. However, the shadow HRA [APP-238] states that <i>'there are no designated nature conservation receptors within 200m of a road that exceeds the IAQM and EPUK screening guidance on local roads'</i> whereas the draft response to the Relevant Representations [TR030008/EXAM/9.2] states that <i>'there are no European sites within 200m of an affected road'</i>.</p> <p>Therefore, we request clarification on whether there are no European sites within 200m of any road used by Project-related traffic, or whether there are just no European sites within 200m of a road that exceeds the screening guidance.</p>	<p>Details of this assessment are confirmed in Table 1 of the Shadow HRA [APP-239].</p> <p>Further clarification is provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2].</p>	As per ABPs position.	Discussion ongoing	
NE31	Air quality impacts from marine vessels	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England has requested further information with respect to the assessment methodology applied to the potential air quality impact of emissions from marine vessels used during construction.</p> <p>Natural England welcomes that further clarification has been provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2]. However, discussions on this topic are ongoing, and we will provide further advice in our Written Representations at Deadline 1.</p>	<p>ABP's position remains that the assessment methodology that has been applied is robust and consistent with relevant guidance.</p> <p>Further clarification is provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2].</p>	As per ABPs position.	Discussion ongoing	



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NE32	Air quality impacts – saltmarsh critical load	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England recommends that the assessment refers to further sources of information, such as aerial photography; the Environment Agency's mapping project of saltmarsh types; and/or vegetation records on NBN Atlas, to determine the extent of vegetation of these areas and determine whether the appropriate Critical Loads has been applied.</p> <p>Natural England welcomes that further clarification has been provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2]. However, we advise that further information is required to determine whether the appropriate Critical Load has been applied. Discussions are therefore ongoing, and we will provide further advice in our Written Representations at Deadline 1.</p>	Further clarification is provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2]. The updated Shadow HRA [TR030008/APP/7.6(2)] will also include this information.	As per ABPs position.	Discussion ongoing	
NE33	Air quality impacts– marine vessels	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England note that an operational phase marine vessel assessment has been provided. However, further justification should be provided to clarify the assumptions used and the requirement for any mitigation measures.</p> <p>Natural England welcomes the further information provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2], regarding the amount of time that vessels could be docked and the confirmation that this represents a precautionary assessment.</p> <p>However, we reiterate that it should be determined whether there is a requirement to secure the maximum number of vessel movements in the DCO, as these</p>	Further clarification is provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2].	As per ABPs position.	Discussion ongoing	

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			<p>values are relied upon in the HRA conclusions.</p> <p>Therefore, clarification should be provided on whether future vessel movements may increase, or whether this is constrained by other factors.</p> <p>Natural England would welcome a Vessel Management and Monitoring Plan, to ensure that vessel movements remain within the assessed limits. Discussion is ongoing regarding this issue.</p>				
NE34	Air quality impacts – overall comments	Shadow HRA [APP-239] Chapter 6: Air Quality [APP-048] Relevant Representations [RR-019]	<p>Natural England welcomes that the air quality assessment in Chapter 6 considers the combined effects from the marine vessel emissions and the landside plant emissions. Natural England requests that the values from these sources are reported in a separate table or column of the existing table to fully understand contributions from each of these impact pathways.</p> <p>Worst case assumptions should be made with respect to the location of the flare stacks with details of the assessment also incorporated into the HRA.</p> <p>Clarification is also requested with respect to the location of the saltmarsh and whether the assessment is specifically referring to intertidal habitats.</p> <p>Natural England welcomes the commitment in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2], to provide the source apportionment of site and vessel emissions to the Project pollutant contributions, as reported in the Environmental Statement, in a Technical Note, and will review the information when submitted.</p> <p>Natural England notes and accepts the justification provided regarding flare stack modelling. We re-highlight that information on</p>	As per Air Products position.	<p>Further clarification is provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2].</p> <p>The typographical error in the updated Shadow HRA [TR030008/APP/7.6(2)] will be corrected replacing 'north west' with 'north east'.</p> <p>The typographical error in the updated Shadow HRA [TR030008/APP/7.6(2)] will be corrected, the text should say intertidal rather than marine.</p>	<b>Matter not agreed – no material impact</b>	

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			<p>potential emissions from the flare stacks should also be incorporated into the HRA.</p> <p>Natural England note and accept the correction of the typographical errors.</p>				
NE35	HRA – consideration of combined effects	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England advises that the assessment of intra-project effects of the different aspects of the project on the European site features should be revisited once the assessment of impacts and mitigation measures have been agreed.</p> <p>Natural England welcomes the commitment to update the Shadow HRA and will review the information when submitted.</p>	Section 4.13 of the Shadow HRA [APP-239] on intra-project effects will be updated to provide further detail on potential intra-project effects relating to terrestrial and marine construction noise and piling.	As per ABPs position.	Discussion ongoing	
NE36	HRA - In- combination assessment at appropriate assessment stage general comments	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England notes that Tables 34, 35 and 36 consider the 'in combination' effects at the Appropriate Assessment stage. However, the current shadow HRA does not provide a sufficient in-combination assessment, which requires further details to address the outstanding issues.</p> <p>Natural England welcomes the commitment to update the Shadow HRA and we will review the information when submitted. We agree with the statement in ABP's draft response to Natural England's Relevant Representations [TR030008/EXAM/9.2]. that <i>'marine based mitigation... including those identified for relevant projects screened into the in-combination assessment, typically reduce potential residual effects to an acceptable level rather than completely avoiding/removing a potential impact on a receptor.'</i> However, we highlight that if there is a residual effect after an appropriate assessment has been carried out of the project alone, then there is a need for that appropriate</p>	<p>The final row in Tables 34, 35 and 36 of the Shadow HRA [APP-239] provides an in-combination assessment of all potential projects screened into the assessment taking into account relevant proposed mitigation or compensation proposed for each of the projects to derive a judgment on the potential for AEOI based on residual effects.</p> <p>The updated Shadow HRA [TR030008/APP/7.6(2)] will also provide an updated in-combination assessment.</p>	As per ABPs position.	Discussion ongoing	

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			assessment to further consider the impact of this residual effect in-combination with other plans and projects. We highlight that the in-combination assessment should therefore assess whether these residual effects may combine/interact with those associated with other relevant plans/projects to produce an effect that is greater than the effect of the project alone. Therefore, the assessment should determine whether there is an adverse effect on site integrity in-combination for the relevant impact pathways.				
NE37	HRA – In- combination assessment - Underwater noise and vibration during marine piling on qualifying species of marine mammals	Shadow HRA [APP-239] Relevant Representations [RR-019]	The screening distance used for the in-combination assessment is smaller than we would normally advise for marine mammals (see Natural England 's Best Practice Advice for Offshore Wind Marine Environmental Assessment Phase III report).  As Natural England defers to CEFAS for underwater noise issues, we are satisfied with the screening distance used.	The same screening distance was applied as for the IERRT assessment which was considered suitable by Natural England (following consultation with Cefas). However, further clarification is provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2].	As per ABPs position.	Agreed	8 March 2024
NE38	HRA – Cumulative underwater noise disturbance and barrier effects to grey seals	Shadow HRA [APP-239] Relevant Representations [RR-019]	Cumulative underwater noise disturbance and barrier effects to grey seal feature of the Humber Estuary SAC and Ramsar site have not been considered in sufficient detail.  Natural England welcome the additional information provided on this point, however due to the limited time to review the information, we aim to comment further on this issue for Deadline 2.	A detailed overview of the cumulative underwater noise effect is provided in ABPs draft response to Natural England's Relevant Reps [TR030008/EXAM/9.2]. The updated Shadow HRA [TR030008/APP/7.6(2)] will also include this information.	As per ABPs position.	Discussion ongoing	
NE39	HRA – In- combination assessment – Visual and noise disturbance to SPA birds	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England advises that the in-combination assessment should provide a detailed assessment of disturbance impacts on Humber Estuary SPA birds during construction.	Further assessment of whether piling (and other construction activity) associated with relevant projects including IERRT could overlap temporally with IGET will be included in the updated Shadow HRA [TR030008/APP/7.6(2)]. This will	As per ABPs position.	Discussion ongoing	

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			Natural England welcomes the commitment to update the Shadow HRA and will review the information when submitted.	include consideration of potential disturbance and displacement effects with the proposed mitigation in place for each of the relevant projects.			
NE40	Air quality – in combination assessment	Shadow HRA [APP-239] Relevant Representations [RR-019] Chapter 25: Cumulative and In-Combination Effects [APP-067]	In-combination road traffic changes should be assessed, and potential impacts considered at relevant sensitive habitat receptors. Further clarification should also be provided as to relevant parameters included within the assessment. As highlighted in NE30, Natural England request that clarification should be provided regarding whether there are no European sites within 200m of any road used by Project-related traffic, or whether there are just no European sites within 200m of a road that exceed the screening guidance. We will review the information provided in more detail once this is confirmed.	As per Air Products position.	Further clarification is provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2].	Discussion ongoing	
NE41	HRA – conclusions	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England request a summary of mitigation measures (over a calendar year), and whether they will completely avoid or reduce the impact to an acceptable level. The level of certainty that mitigation measures will be effective should also be indicated.  Natural England welcomes the commitment to update the Shadow HRA and will review the information when submitted.	The conclusions section (Section 5) of the Shadow HRA [APP-239] will be updated to include a summary of mitigation, and whether they will completely avoid or reduce the impact to an acceptable level along with a judgement on the confidence in mitigation effectiveness.	As per ABPs position.	Discussion ongoing	
NE42	Chapter 10 Ornithology – Assessed sensitivity of ornithology receptors	Shadow HRA [APP-239] Relevant Representations [RR-019] Chapter 10: Ornithology [APP-052]	Natural England would welcome clarity on how the sensitivity levels for coastal waterbirds have been determined. Natural England recommends that consideration should be given to the most sensitive species.  Natural England welcome the additional information provided on this point, however due to the limited time available to review the	Sensitivity levels for ornithology receptors in Chapter 10 [APP-052] have been based on a range in sensitivity for individual species sensitivity levels (such as highlighted in Table 10:19 for disturbance) or taking into account what the worst-case sensitivity is likely to be for relevant species on a precautionary basis. Consideration has been given to the most sensitive species within assessments.	As per ABPs position.	Matter not agreed – no material impact	



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			information, we aim to comment further on this issue for Deadline 2				
NE44	Air Quality impacts from traffic – construction phase	Shadow HRA [APP-239] Relevant Representations [RR-019] Chapter 11: Traffic and Transport [APP-053]	Based on the information provided in ES it is demonstrated that IGET alone does not trigger the air quality assessment screening thresholds along the A180 for Hatfield Chase Ditches SSSI. However, it is recommended that the applicant clarifies whether the IGET's traffic contribution in-combination with other scheme's triggers the air quality screening thresholds, considering the numbers reported in the Traffic and Transport Cumulative Assessment chapter.  Natural England welcomes the further information provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2]. However, discussions are ongoing on this topic, and we will provide further advice in our Written Representations at Deadline 1.	As per Air Products position.	Further clarification is provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2]. This references the conclusion agreed for the IERRT project.	Discussion ongoing	
NE45	SSSI assessment – The Lagoons SSSI little tern	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England agrees that impacts of the proposal on little tern associated with the Lagoons SSSI can be scoped out, based on the information provided.  Natural England confirm that this matter is agreed, based on the information provided.	ABP acknowledge Natural England's position regarding scoping out of impacts on little tern.	As per ABPs position.	Agreed	4 December 2023
NE46	Soils and Best and Most Versatile Agricultural Land - ALC survey coverage	Shadow HRA [APP-239] Relevant Representations [RR-019]	Natural England highlight that the ALC survey should be carried out across the full extent of agricultural land within application site boundary.  Natural England welcomes the additional information provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2]. We consider that this matter can be agreed, based on the information provided.	As per Air Products position.	The methodology described by Natural England has been applied to the area sampled, albeit that the full extent of the site could not be sampled. Further clarification is provided in AP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2].	Agreed	8 March 2024

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
NE47	Soils and Best and Most Versatile Agricultural Land - ALC Survey	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England highlights that ALC surveys require an ALC surveyor with suitable experience and qualification level, with these credentials provided as part of the ALC report. Amounts of surveyed ALC land should be noted in hectares.</p> <p>Natural England recommend that a map of the project boundary be provided alongside the ALC map to allow for identification of the areas of the application site not surveyed. Further details regarding the survey are also requested.</p> <p>Natural England welcomes the additional information provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2]. We consider that this matter can be agreed, based on the information provided.</p>	As per Air Products position.	<p>The agricultural land survey has been undertaken by Reading Agricultural Consultants (RAC). Reading Agricultural Consultants Ltd (RAC) has more than 50-years' experience of providing advice on agricultural, environmental and countryside issues.</p> <p>The requested maps and further assessment details have been provided in the draft response to Natural England's Relevant Representations [TR030008/EXAM/9.2].</p>	Agreed	8 March 2024
NE48	Soils and Best and Most Versatile Agricultural Land - Sustainable soil management	Shadow HRA [APP-239] Relevant Representations [RR-019] Outline Construction Environmental Management Plan (oCEMP) [APP-221]	<p>Natural England advises that additional information is required regarding soil handling methods.</p> <p>Natural England welcomes the additional information provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2]. We consider that this matter can be agreed, based on the information provided.</p>	As per Air Products position.	<p>An outline Soil Management Plan (OSMP) is provided within Appendix B of the Outline Construction Environmental Management Plan (oCEMP) [APP-221]. The OSMP is based on guidance documents that include the Defra Construction Code of Practice suggested by Natural England.</p> <p>The OSMP covers the scope outlined by Natural England and a requirement is in place to develop detailed Construction Environmental Management Plans, which would include detailed Soil Management Plans.</p> <p>Further clarification is provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2].</p>	Agreed	8 March 2024

ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
NE49	Protected Species	Relevant Representations [RR-019]	<p>Natural England has adopted standing advice for protected species, which includes guidance on survey and mitigation measures. This guidance should be followed.</p> <p>Natural England is not providing bespoke advice on the protected species information provided in the ES for this project. The requirement for mitigation has not been assessed by Natural England.</p>	Noted. This is a general reference to Natural England's standing advice on protected species rather than a specific comment on this project.	As per ABPs position.	Agreed	4 December 2023
NE50	HRA – Potential effects of maintenance dredging on water quality	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England agrees with the Applicant's conclusion that maintenance dredging will not impact water quality at the project site and will result in no AEol for this impact pathway.</p> <p>Natural England confirm that this matter is agreed, based on the information provided.</p>	ABP acknowledge Natural England's position regarding no AEol for maintenance dredging on water quality.	As per ABPs position.	Agreed	4 December 2023
NE52	HRA - Cumulative assessment	Shadow HRA [APP-239] Relevant Representations [RR-019]	<p>Natural England advises that an assessment of cumulative effects should also be provided in the HRA.</p> <p>Natural England welcomes the commitment to update the Shadow HRA and will review the information when submitted.</p>	Further clarification is provided in ABP's draft response to Natural England's relevant representations [TR030008/EXAM/9.2]. The updated Shadow HRA [TR030008/APP/7.6(2)] will also include this information where appropriate.	As per ABPs position.	Discussion ongoing	



## 4 Glossary

<b>Abbreviation / Acronym</b>	<b>Definition</b>
ABP	Associated British Ports
AEoI	Adverse Effect on Integrity
AP	Air Products
CEMP	Construction Environmental Management Plan
DCO	Development Consent Order
DML	Deemed Marine License
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
HRA	Habitats Regulations Assessment
MHWS	Mean High Water Spring
MMO	Marine Management Organisation
NE	Natural England
NELC	North East Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008
PEIR	Preliminary Environmental Information Report
OSMP	Outline Soil Management Plan
PINS	Planning Inspectorate
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SoS	Secretary of State for Transport
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
ToR	Terms of Reference
UK	United Kingdom