



# Immingham Green Energy Terminal

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

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### Version History

Version	Date	Submitted
1.0	13 March 2024	Deadline 1
2.0	3 May 2024	Deadline 3
3.0	11 July 2024	Deadline 5
<u>4.0</u>	<u>15 August 2024</u>	<u>Deadline 7</u>



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## Status of the Statement of Common Ground

~~This is the Final Agreed Statement of Common Ground (SoCG) between~~ Associated British Ports, ~~Air Products (BR) Limited, and Natural England.~~

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**Deleted:** considers 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 (BR) Limited

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

### On Behalf of Natural England

<u>Name</u>	[REDACTED]
<u>Position</u>	<u>Senior Officer</u>
<u>Organisation</u>	<u>Natural England</u>
<u>Signature</u>	[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”). ABP was established in 1981 following the privatisation of the British Transport Docks Board. The **Funding Statement [APP-010]** provides further information on ABP as 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 Project, 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 United Kingdom’s (“UK’s”) net zero agenda by helping to decarbonise the UK’s industrial activities and in particular the heavy transport sector.
- 1.6 A detailed description of the Project is included in **Environmental Statement (“ES”) Chapter 2: The Project [AS-069]**.

## 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 Government’s 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
- (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 Habitats 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. ES 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>



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. ES 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. ES 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. ES 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. ES 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. ES 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:





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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 Representation 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</p>



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Date	Form of Contact	Summary with key outcomes and points of discussion
		<p>explained 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 2024	Email Exchange	Submission of minutes from meeting of 9 January, proposed engagement plan and Terms of Reference.
22 February 2024	Email Exchange	Draft SoCG and draft responses to relevant representations provided.
5 March 2024	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>
15 April 2024	MS Teams	<p>Meeting to discuss the remaining amber items in the SoCG and additional information provided at Deadlines 1 and 2.</p> <p>The meeting covered the topics of air quality and birds, and a number of matters were amended to green (agreed). Some items require further discussion but it</p>



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Date	Form of Contact	Summary with key outcomes and points of discussion
		was felt that most will be finalised within the next two deadlines. The use of Skeffling as a compensation site was agreed, acknowledging the timing issues with the breach of the compensation site and provision of habitat.
16 April 2024	Email	Natural England provided the breakdown of NE19 and NE21 into sub-categories as discussed in the meeting of 15 April 2024.
16 April 2024	Email	ABP provided Natural England with a copy of the Operational Life Technical Note for comment.
25 April 2024	Email	Natural England confirmed no comments on the Operational Life Technical Note.
26 April 2024	Email	ABP provided Natural England with a draft SoCG with updates from 15 April meeting as well as additional information regarding the 200m restriction, Ecological Clerk of Works ("ECoW"), additional noise monitoring and noise suppression.
1 May 2024	Email	Natural England provided a tracked version of the SoCG with their comments.
16 May 2024	Email	ABP contacted Natural England requesting a meeting to progress the amber items following material submitted at Deadline 3.
23 May 2024	Email	Natural England confirmed availability and meeting set up.
04 June 2024	MS Teams	Meeting held to discuss the remaining amber items on the SoCG. Some of these items were resolved on the call with a few remaining as amber until additional detail could be provided. The Shadow HRA was updated to capture some items and submitted at Deadline 4; further updates will be made for Deadline 5.
21 June 2024	Email	ABP provided Natural England with excerpts of updated Shadow HRA to show how the in-combination had been amended following comments and prior to submission at Deadline 5.



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Date	Form of Contact	Summary with key outcomes and points of discussion
28 June 2024	Email	Natural England confirmed that they were happy with the changes with respect to NE36 but are awaiting specialist advice on NE38.
02 July 2024	Email	ABP provided Natural England with the draft SoCG updated with Deadline 4 position and Shadow HRA amendments.
<del>09</del> July 2024	Email	Natural England Provided a tracked version of the SoCG.
<u>12 July 2024</u>	<u>Email</u>	<u>ABP provided Natural England with a technical note detailing the source apportionment for the air quality modelling.</u>
<u>23 July 2024</u>	<u>Email</u>	<u>ABP shared the proposed text to be added to the Shadow HRA at Deadline 6 regarding flare stack modelling.</u>
<u>25 July 2024</u>	<u>Email</u>	<u>Natural England advised that the information in the technical note and proposed Shadow HRA text was sufficient to resolve NE34 subject to the agreed updates being made at Deadline 6.</u>
<u>07 August 2024</u>	<u>Email</u>	<u>SoCG updated based on Natural England's Deadline 6 response and issued for signature.</u>
<u>13 August 2024</u>	<u>Email</u>	<u>Natural England confirmed agreement with Final Agreed SoCG subject to one minor amendment which was accepted.</u>

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### 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 **ES Chapter 6: Air Quality [APP-048]**
- 3.1.2 **ES Chapter 8: Nature Conservation (Terrestrial Ecology) [APP-050]**
- 3.1.3 **ES Chapter 9: Nature Conservation (Marine Ecology) [APP-051]**
- 3.1.4 **ES Chapter 10: Ornithology [APP-052]**
- 3.1.5 **ES Chapter 11: Traffic & Transport [APP-053]**
- 3.1.6 **ES Chapter 16: Physical Processes [APP-058]**
- 3.1.7 **ES Chapter 17: Marine Water and Sediment Quality [APP-059]**

~~3.1.8 **ES Chapter 25: Cumulative and In-Combination Effects [REP5-009]**~~

3.1.9 ~~Without Prejudice Report to Inform Habitats Regulations Assessment Derogation [REP3-030]; and~~

3.1.10 ~~Shadow Habitats Regulations Assessment [REP6-013].~~

3.2 Table 3-1 contains a list of 'matters agreed' (shaded green), and a list of matters not agreed - no **material** impact (shaded yellow) at the date of **Deadline 7**, along with a concise commentary of what the item refers to and how it came to be agreed between the Parties (as applicable).

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**Table 3-1: 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 <a href="#">[APP-022]</a>	Natural England confirms the Applicant's record of engagement as set out in the Consultation Report <a href="#">[APP-022]</a> and Table 2-1 of this SoCG is accurate.	ABP confirms the record of engagement as set out in the Consultation Report <a href="#">[APP-022]</a> and Table 2-1 of this SoCG is accurate.	As per ABPs position.	Agreed	15 August 2024
G2	Stakeholder Engagement	Consultation Report <a href="#">[APP-022]</a> Natural England Relevant Representation <a href="#">[RR-019]</a>	Natural England consider that ABP is engaging with Natural England's statutory consultation response. Natural England welcome that additional information has been provided in ABP's response to Natural England's Relevant Representations <a href="#">[RR-019]</a> . Discussions are ongoing regarding outstanding issues.	ABP understands that Natural England gave their opinion and comments regarding the Project in their statutory consultation response. ABP has continued to engage with Natural England throughout the process.	As per ABPs position.	Agreed	7 July 2024
G3	Construction Environmental Management Plan	<a href="#">2.1 Draft Development Consent Order [REP6-004]</a> <a href="#">6.5 Outline Construction Environmental Management Plan [REP6-009]</a>	Natural England welcomes ongoing discussions with ABP and Air Products regarding the CEMP. Natural England agrees with the proposed approach to progressing negotiations on the Final CEMP 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. Discussions are ongoing regarding mitigation measures that should be secured in the CEMP.  <a href="#">Natural England agree with ABPs proposed approach to the CEMPs. ABP have updated the outline CEMP to include all of the amendments to mitigation discussed [REP6-009].</a>	ABP and Air Products intend to progress negotiations with Natural England and other relevant stakeholders of the Final CEMP(s) to allow for an efficient approval of the CEMP(s) for the landside works by North East Lincolnshire Council ("NELC") (in consultation with the Marine Management Organisation (MMO) in relation to Work No. 1) as secured under Requirement 6 of the <a href="#">draft DCO [REP6-004]</a> and for the works in the marine area by the MMO (in consultation with NELC) as 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 <del>four</del> separate documents:  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; 2. CEMP relating to that part of Work No.1 which is landward of	As per ABPs position.	Agreed	7 July 2024

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 6.5 Outline Construction Environmental Management Plan [AS-043]~~

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ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
				<p>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><u>4. CEMP relating specifically to the clearance of woodland in Long Strip ("Long Strip CEMP") which ABP is seeking to have certified in the DCO.</u></p> <p>ABP and Natural England agree with this approach. ABP have updated the outline CEMP to include all of the amendments to mitigation discussed <b>[REP6-009]</b>.</p>			
G5	Scope of assessment	ES Chapter 9: Nature Conservation (Marine Ecology) <b>[APP-051]</b> and Chapter 10: Ornithology <b>[APP-052]</b>	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) <b>[APP-051, APP-052]</b> is in line with that set out in <u>the</u> PEIR with additional clarification provided where requested.	As per ABPs position.	Agreed	4 December 2023
G6	Methodology	ES Chapter 9: Nature Conservation (Marine Ecology) <b>[APP-051]</b> and Chapter 10: Ornithology <b>[APP-052]</b>	Overall, the assessment methodology applied in Chapters 9 and 10 of the ES is considered robust; however, discussions are ongoing regarding some aspects where Natural England have outstanding comments.	The assessment methodology applied in Chapters 9 and 10 of the ES <b>[APP-051, APP-052]</b> is robust and consistent with relevant guidance.	As per ABPs position.	Agreed	7 July 2024
G7	Baseline data and information sources	ES Chapter 9: Nature Conservation (Marine Ecology) <b>[APP-051]</b> and Chapter 10: Ornithology <b>[APP-052]</b>	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.	Agreed	15 April 2024
<b>Shadow HRA</b>							
NE1	Shadow HRA	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b>	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	ABP acknowledge Natural England's position regarding the qualifying features.	As per ABPs position.	Agreed	4 December 2023

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ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			effects on the relevant designated sites. Natural England confirm that this matter is agreed, based on the information provided.				
NE2	Shadow HRA	Shadow HRA <b>[REP6-013]</b> ES Chapter 10: Ornithology <b>[APP-052]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	<b>Lighting effects</b> Natural England welcomes the additional information provided in ABP's response to relevant representations <b>[REP1-021]</b> . Natural England agrees that this point, in relation to lighting effects on coastal waterbirds, has been addressed. <b>Potential effects of flare stacks</b> Natural England welcomes the additional information provided in ABP's response to relevant representations <b>[REP1-021]</b> . Natural England agrees that this point, in relation to the potential impact of flare stack on SPA birds has been addressed, on the basis that 'the flare stacks proposed as part of the Project will be much smaller, with the flame largely enclosed as a result of shrouding', as stated in the shadow HRA <b>[REP6-013]</b> .	Further clarifications in relation to lighting effects and flare stacks, during construction and operation has been provided in the ABP's response to relevant representations <b>[REP1-021]</b> . The updated Shadow HRA <b>[REP6-013]</b> also includes this information.	As per ABPs position.	Agreed	15 April 2024
NE3	HRA screening comments – In- combination assessment at screening stage	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b>	Natural England highlights that the shadow HRA does not appear to include an in-combination assessment following the screening stage of the HRA. Natural England welcomes the provision of further clarification in the updated Shadow HRA <b>[REP6-013]</b> regarding how the in-combination assessment at the screening stage has been undertaken. Based on the information provided, Natural England concurs that the impact pathways screened out at this stage are unlikely to have a significant effect on any European	ABP has updated Tables 3 to 5 of the Shadow HRA <b>[REP6-013]</b> to make it clear how projects have been considered alone and in-combination. Additional information has also been included in the updated Shadow HRA at Paragraph 3.1.4 <b>[REP6-013]</b> , ABP are confident that the assessments have been carried out appropriately.	As per ABPs position.	Agreed	4 June 2024

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ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			site, either alone or in-combination.				
NE4	HRA - The potential for an AEol due to the direct loss of qualifying intertidal habitat	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	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 the updated information provided in Section 4.3 of the shadow HRA <b>[REP6-013]</b> regarding the <b>ecological functioning and overall quality of the wider intertidal habitat feature</b> . Based on the information provided, regarding direct loss of qualifying intertidal habitats, it is considered that this matter has been addressed.	ABP consider that Table 7 of the Shadow HRA <b>[REP6-013]</b> already addressed direct loss of qualifying intertidal habitat. However, following Natural England's concerns, further clarity is provided in ABP's response to relevant representations <b>[REP1-021]</b> . 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 presents this information at Paragraphs 4.36, 4.37 and 4.5.10 <b>[REP6-013]</b> .	As per ABPs position.	Agreed	4 June 2024
NE5	HRA - The potential for an AEol due to the direct loss of supporting intertidal habitat on qualifying species	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b>	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 <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	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 response to Natural England's relevant representations <b>[REP1-021]</b> . Natural England consider that this matter can be agreed, based on the information	ABP consider that Table 9 of the Shadow HRA <b>[REP6-013]</b> already addresses this requirement. However, for completeness further clarity is provided in ABP's response to relevant representations <b>[REP1-021]</b> . 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	As per ABPs position.	Agreed	8 March 2024

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			in the shadow HRA (Table 9) and the additional provided.	HRA <b>[REP6-013]</b> also includes this information.			
NE7	HRA – SPA qualifying features	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	<p>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 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 response to Natural England's Relevant Representations <b>[REP1-021]</b>, 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><b>Screening of SPA assemblage species</b></p> <p>The rationale for screening in both qualifying and assemblage SPA species is provided in Table 2 of the Shadow HRA <b>[REP6-013]</b>.</p> <p>Further information on the screening process is provided in ABPs response to Natural England's Relevant Representations <b>[REP1-021]</b>.</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 is provided as an appendix to the updated Shadow HRA <b>[REP6-013]</b>.</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 <b>[REP6-013]</b> 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 <b>[REP6-013]</b>.</p> <p>Further detail regarding this data is provided in ABPs draft response to Natural England's Relevant Representations <b>[REP1-021]</b>.</p>	As per ABPs position.	Agreed	8 March 2024
NE8	HRA – The potential effects due to changes to waterbird foraging and roosting	Shadow HRA <b>[REP6-013]</b>	Natural England previously advised that further information was needed, particularly on the	Further clarification with respect to these roost sites and changes to the foraging and roosting habitat within	As per ABPs position.	Agreed	8 March 2024

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	habitat as a result of the presence of marine infrastructure during operation on qualifying species.	Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	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 be given to potential changes to the foraging and roosting habitat within and outside the red line boundary.  Natural England welcomes the additional information provided in ABP's response to Natural England's Relevant Representations <b>[REP1-021]</b> , and agrees this point in relation to roosting and foraging habitat for SPA waterbirds have been addressed.	and outside the red line boundary has been provided in ABP's response to relevant representations <b>[REP1-021]</b> .			
NE9	HRA - The potential effects of changes to qualifying habitats as a result of the removal of seabed material during capital dredging	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	Natural England advises that although the conclusions reached in Table 11 within the shadow HRA of no AEoI for this impact pathway are agreed with, the dredging and subsequent deposition should be timed with the tide and circulation timings following the guidelines of safe disposal in the site.  Natural England confirm that this matter is agreed, based on the information provided.	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 response to relevant representations <b>[REP1-021]</b> .	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 <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b>	Natural England agrees with the conclusion detailed in Table 12 the shadow HRA of no AEoI for this impact pathway.  Natural England confirm that this matter is agreed, based on the information provided.	ABP acknowledge Natural England's position regarding no AEoI from dredging on benthic habitats.	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 <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b>	Natural England agree 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.	ABP acknowledge Natural England's position regarding no adverse effect from dredging on habitats.	As per ABPs position.	Agreed	4 December 2023

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			Natural England confirm that this matter is agreed, based on the information provided.				
NE12	HRA – comment on benthic assessment	Shadow HRA <a href="#">[REP6-013]</a> Relevant Representation <a href="#">[RR-019]</a> Applicant's Responses to Relevant Representations <a href="#">[REP1-021]</a>	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 response to Natural England's Relevant Representations <a href="#">[REP1-021]</a> .	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 <a href="#">has been</a> provided in ABP's response to Natural England's Relevant Representations <a href="#">[REP1-021]</a> .	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 <a href="#">[REP6-013]</a> Relevant Representation <a href="#">[RR-019]</a> Applicant's Responses to Relevant Representations <a href="#">[REP1-021]</a>	Natural England requires further information to determine whether the maintenance dredging operation has the potential to result in an AEoI.  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 response to Natural England's Relevant Representations <a href="#">[REP1-021]</a> .	<b>Maintenance dredging frequency and footprint</b>  Further clarification with respect to maintenance dredging has been provided in the ABP's response to relevant representations <a href="#">[REP1-021]</a> .  <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 response to Natural England's relevant representations <a href="#">[REP1-021]</a> .	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 <a href="#">[REP6-013]</a> Relevant Representation <a href="#">[RR-019]</a>	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

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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 [REP6-013] Relevant Representation [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 [REP6-013] Relevant Representation [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 [REP6-013] Relevant Representation [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 [REP6-013] Relevant Representation [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

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NE19	Airborne Noise and Visual Disturbance to birds during construction	Shadow HRA [REP6-013] Relevant Representation [RR-019] ES Chapter 10: Ornithology [APP-052] Applicant's Responses to Relevant Representations [REP1-021]	NE19A –Natural England previously recommended that the relevant bird survey results are collated and presented by month to demonstrate the pattern of usage across the year.	ABP has provided a detailed response to each of these points in their response to Natural England's Relevant Representations [REP1-021].	As per ABPs position.	NE19A - Agreed	15 April 2024
			Natural England welcomes the additional information provided in ABP's response to Relevant Representations [REP1-021], and agrees that these points in relation to bird data have been addressed.	The updated Shadow HRA [REP6-013] also includes this information where appropriate.		NE19B – Agreed	3 May 2024
			NE19B –Natural England welcomes the additional information provided in ABP's response to Relevant Representations [REP1-021], and agrees that this point, in relation to the location of roosting areas for black tailed godwit and turnstone, has been addressed.	NE19A/B – ABP provided this additional information in the response to Relevant Representations [REP1-021].		NE19C – Agreed	4 June 2024
			NE19C - Natural England welcomes the additional information provided in the updated shadow HRA [REP6-013], and agrees that this point has been addressed.	NE19C – ABP has provided additional background noise monitoring local to the Project which has confirmed the levels used in the assessment. This information has been shared with Natural England and is presented in the updated Shadow HRA [REP6-013].		NE19D – Agreed	4 June 2024
			NE19D - Natural England notes that the updated shadow HRA [REP6-013] states that the 200m disturbance buffer will be implemented in relation to the Mean Low Water Springs contour. The shadow HRA at Deadline 4 is to be updated with further clarification, i.e. "with the implementation of this mitigation, piling and other marine construction activity in the winter months will be at least 200m from intertidal habitat (and typically greater distances over most tidal	NE19D – ABP has provided additional information regarding how the 200m disturbance buffer would work in practice via email and updated the Shadow HRA [REP6-013] to provide further information on the benefit of using MLWS and to capture the use of the digital GPS boundary rather than physical markers.			
				<b>NE19E - The evidence collated to inform the assessment in the Shadow HRA [REP6-013] is considered robust, and includes a wide range of literature, bird disturbance surveys on the foreshore of the Port of Immingham, and takes account of noise monitoring data collected at the Port and applies the results of airborne noise modelling. Sub-dispersive responses (without</b>		NE19E – Agreed	6 August 2024

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			<p>phases.” Therefore, the approach appears to be sufficiently precautionary.</p> <p>Natural England also welcomes the Applicant’s commitment to update the HRA to state that “<i>The restriction distance will be controlled through a digital GPS boundary which contractors can effectively set as a spatial demarcation in which works can/cannot take place. It will then be possible to monitor compliance through reviewing the respective contractor GPS data as the works progress.</i>”</p> <p>Therefore, based on the information provided, Natural England agrees that the proposed approach is suitable.</p> <p>NE19E - Natural England advises it is important <u>to</u> 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 re-iterates that the behavioural studies cited in the ES should not be relied upon in the assessment of potential impacts on SPA birds from disturbance events. The assessment should therefore consider the sub-dispersive responses in more detail. However, it is considered that the potential impacts will be adequately minimised through the provision of <u>the agreed</u> mitigation measures. <u>Therefore it is considered that this point has been adequately addressed.</u></p> <p>NE19F - Natural England welcomes the additional information provided in ABP’s response to Relevant Representations [REP1-021]</p>	<p><u>mitigation) have been considered in detail in Paragraph 4.10.27 of the Shadow HRA [REP6-013] with both dispersive and sub-dispersive responses considered to be very limited with the proposed mitigation.</u></p> <p>NEF/G - ABP provided this additional information in the response to Relevant Representations [REP1-021].</p>		<p>NE19F - Agreed</p> <p>NE19G - Agreed</p>	<p>15 April 2024</p> <p>15 April 2024</p>

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			<p>regarding alternative feeding locations. Based on the information provided, including details of the limited numbers of birds identified using the intertidal area between the IOT jetty and the mudflat fronting North Beck Drain, and the fact that the EA Stallingborough 3 scheme will not take place during winter months, Natural England agree that this point is resolved.</p> <p>NE19G - Natural England welcomes the additional information provided in ABP's response to Relevant Representations <b>[REP1-021]</b> and agrees that this point, in relation to potential for combined noise effects from terrestrial and marine noise, has been addressed.</p>				
NE20	Airborne Noise and Visual Disturbance to birds during construction – Programming of works	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	<p><b>Natural England has previously</b>, recommended that the most disturbing marine construction 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). <b>Natural England is satisfied that the most disturbing activities (including piling) will be avoided within 200m of Mean Low Water Springs Mark between October and March inclusive, which is considered suitably precautionary and will have the effect of avoiding the most sensitive wintering periods for waterbirds. Therefore, Natural England consider that this comment has been adequately addressed.</b></p>	<p>ABP has already addressed Natural England's concerns through the mitigation measures proposed for IGET. This is detailed in the Shadow HRA <b>[REP6-013]</b>.</p> <p><b>The mitigation measures proposed for the Project and secured under condition 16 of the draft DML are in line with Natural England's advice.</b></p>	As per ABPs position.	<b>Agreed</b>	6 August 2024

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Natural England's advice remains that it is

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NE21	Airborne Noise and Visual Disturbance to birds during construction – Proposed mitigation	Shadow HRA <a href="#">[REP6-013]</a> Relevant Representation <a href="#">[RR-019]</a> Applicant's Responses to Relevant Representations <a href="#">[REP1-021]</a>	<p>Natural England consider that noise and visual disturbance impacts to SPA birds will be adequately minimised through the provision of suitable mitigation measures.</p> <p>NE21A - Natural England welcomes the provision of project specific noise measurements from within the Order limits of the project in the updated shadow HRA <a href="#">[REP6-013]</a>. Natural England note that these updated measurements do not affect the assessment of the proposed mitigation measures. Natural England therefore agree that this point, in relation to the need for an updated assessment in line with the updated noise measurements, has been addressed.</p> <p>NE21B - Natural England re-iterate that soft start piling may reduce the 'startle effect' on birds when piling starts, but it is not generally used as a mitigation measure to reduce the impacts on SPA waterbirds. Natural England advise that there is no robust evidence to suggest that soft start piling prevents disturbance caused by the noise. Therefore, Natural England do not consider that soft-start piling provides effective additional mitigation for disturbance to SPA birds. However, Natural England consider that the potential impacts will be adequately minimised through the provision of suitable mitigation measures as proposed.</p> <p>NE21C - As detailed in NE19D, NE welcomes the Applicant's commitment to update the HRA to state that "The restriction distance will be controlled through a digital GPS boundary which contractors can effectively set as a spatial demarcation in which works can/cannot take place. It will then be possible to monitor compliance</p>	<p>NE21A - ABPs assessment of noise effects and potential mitigation relating to noise disturbance was specifically developed based on guidance previously provided by Natural England. This has been supplemented by the additional noise monitoring undertaken close to the Project and is all captured in the updated shadow HRA <a href="#">[REP6-013]</a>.</p> <p>NE21B/D/E - 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 AEoI (acknowledging even if some disturbance may occur, it would only be of limited consequence and not constitute an AEoI) when considered against the site's conservation objectives. The shadow HRA has been updated to reflect ABPs amendments to this mitigation where reference is now made to Mean Low Water Springs <a href="#">[REP6-013]</a>. This is also reflected in the updated <a href="#">draft DML [REP6-004]</a>.</p> <p>NE21C – ABP welcomes Natural England's suggestion of the use of GPS and markers on the mudflats. ABP have discussed with Natural England and have updated the shadow HRA to include the use of a digital GPS system to mark the boundary for the 200m buffer <a href="#">[REP6-013]</a>. This is deemed more appropriate than a physical marker owing to health and safety through construction and navigation.</p> <p>NE21F – ABP <a href="#">agrees</a> to provide an Ecological Clerk of Works (ECoW) during the over wintering period (October to March inclusive) to ensure the agreed mitigation measures for the SPA birds are adhered to and the appropriate guidance can be provided throughout the construction works.</p> <p>Further clarification is provided in ABP's response to Natural England's</p>	As per ABPs position.	NE21A – Agreed	4 June 2024
						NE21B - Matter not agreed – no material impact	15 August 2024
						NE21C – Agreed	4 June 2024
						NE21D – Agreed	6 August 2024
						NE21E – Matter not agreed, no material impact	6 August 2024
						NE21F – Matter not agreed, no material impact	6 August 2024

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			<p>through reviewing the respective contractor GPS data as the works progress." Therefore, based on the information provided, Natural England agrees that this issue is resolved.</p> <p><u>NE21D – Natural England recommended</u>, that a more precautionary buffer distance should be used, for example 300m, during very severe weather. <u>However, the mitigation proposed by ABP is considered suitably precautionary and will have the effect of avoiding the most sensitive wintering periods for waterbirds. Therefore, Natural England consider that this comment has been adequately addressed.</u></p> <p>NE21E – Natural England notes that "it is proposed that a temporary cessation of all construction activity within 200 m of Mean Low Water Springs is implemented following seven consecutive days of freezing (zero or sub-zero temperature) weather conditions." Natural England welcome confirmation that this would be based on records from a local weather station.</p> <p><u>With regard to Natural England's national guidance on the recommended approach to construction cessation during cold weather periods, this approach is still being developed by Natural England and is not ready to issue for this project. However, at this stage, Natural England's advice for this project remains that a shorter period than 7 days of freezing conditions is used.</u></p> <p><u>Natural England does not fully agree with the approach in the assessment but are satisfied with the overall approach to mitigation and consider that for this particular project it is unlikely to make a material difference to Natural</u></p>	<p>relevant representations [REP1-021]. The updated Shadow HRA [REP6-013] also includes this information where appropriate.</p> <p>Additional information has also been included in the <u>draft</u> Deemed Marine Licence.</p>			

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			<p><u>England's advice or the outcome of the decision-making process.</u></p> <p>NE21F – Natural England welcomes ABPs commitment in <u>4.10.32 of the updated Shadow HRA [REP6-013]</u> that a suitably qualified Ecological Clerk of Works (ECoW) will be present on site during the construction period to ensure that agreed mitigation measures are adhered to and therefore avoid disturbance to large flocks of SPA birds.</p> <p>Natural England advise that this is an important aspect of the suite of mitigation measures proposed and to increase the certainty that mitigation measures will be effective. <u>Natural England reiterate that further details should be provided regarding the role of the ECOW, such as how they will monitor and implement any required measures</u></p>				
NE22	Effects of airborne noise and visual disturbance to birds during operation	<p><u>Shadow HRA [REP6-013]</u></p> <p>Relevant Representation [RR-019]</p> <p>Applicant's Responses to Relevant Representations [REP1-021]</p>	<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 response to Natural England's Relevant Representations [REP1-021] 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 response to Natural England's Relevant Representations [REP1-021]. <u>The updated Shadow HRA [REP6-013]</u> also includes 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 AEoI (acknowledging even if some disturbance may occur, it would only be of limited consequence and not constitute an AEoI) when considered against the site's conservation objectives.</p>	As per ABPs position.	Agreed	8 March 2024
NE23	HRA - Underwater noise and vibration during marine piling on qualifying species of marine mammals	<p>Shadow HRA [REP6-013]</p> <p>Relevant Representation [RR-019]</p> <p><u>Draft Development Consent Order [REP6-004]</u></p>	<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 [REP6-013] (paras 4.11.6 to 4.11.13, 4.11.29 to 4.11.43), 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.	Matter not agreed – no material impact	6 August 2024

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			<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, Natural England 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 <b>[REP6-004]</b>. Therefore ABP do not consider that a further plan is required.</p>			
NE24	HRA – underwater noise effects on marine mammals	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b>	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 <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b>	<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, Natural England 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</p>	<p>Vibro-piling and potential impacts on migratory lamprey species are considered in detail within the Shadow HRA <b>[REP6-013]</b>. 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 <b>has been</b> updated to <b>reflect</b> this change.</p>	As per ABPs position.	Agreed	8 March 2024

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			the night-time restrictions to include vibro-piling. Natural England consider that this 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 [REP6-013] Relevant Representation [RR-019]	Natural England agrees with the conclusion of no AEol 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 [REP6-013] Relevant Representation [RR-019]	Natural England agrees with the conclusion of no AEol 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 [REP6-013] Relevant Representation [RR-019] Outline Construction Environmental Management Plan [REP6-009]	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 [REP6-013] Relevant Representation [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, and welcomes the update provided in ABP's response to Issue Specific Hearing 8 actions [REP5-050] regarding ABP's biosecurity management Plan.	ABP's existing biosecurity management procedures will apply to the operational facility. <b>ABP maintains that these procedures are sufficient to ensure no AEol.</b>	As per ABPs position.	Agreed	6 August 2024

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			<del>Natural England agrees that this point, in relation to non-native species during operation has been addressed.</del>				
NE30	HRA → Air quality impacts from traffic	Shadow HRA [REP6-013] Relevant Representation [RR-019] Applicant's Responses to Relevant Representations [REP1-021]	Natural England welcomes the additional information provided in the Applicant's Comments on D1 Submissions from Natural England [REP2-013]. Natural England accepts that there are no European sites within 200m of any road used by project related traffic so the impact of traffic-derived air pollution (alone or in combination with other projects) does not need to be considered in the HRA. Natural England welcomes the commitment to update the shadow HRA with this information at Deadline 3, and considers that this point has been addressed.	Details of this assessment are confirmed in Table 1 of the Shadow HRA [REP6-013]. Further clarification is provided in ABP's response to Natural England's relevant representations [REP1-021].	As per ABPs position.	Agreed	15 April 2024
NE31	Air quality impacts from marine vessels	Shadow HRA [REP6-013] Relevant Representation [RR-019] Applicant's Responses to Relevant Representations [REP1-021]	Natural England welcomes the further justification around the use of the 3km marine vessel screening distance, provided in the Applicant's Comments on D1 Submissions from Natural England [REP2-013]. Natural England note that the maximum 1km distance from 'berths and main areas of manoeuvring' required to be considered for the purpose of Local Air Quality Management (in LAQM TG 22) is cited. Although this does not consider emissions from ships in transit, it is accepted that emissions from comparatively low stack heights, as proposed in this project, would be more similar to the berthed/manoeuvring ships in the LAQM guidance than the Environment Agency 10km screening distance for permitted installations. Based on the information provided, the 3km screening distance is therefore considered suitable for the assessment in this case, and this issue is resolved.	ABP's position remains that the assessment methodology that has been applied is robust and consistent with relevant guidance. Further clarification is provided in ABP's response to Natural England's relevant representations [REP1-021].	As per ABPs position.	Agreed	15 April 2024

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NE32	Air quality impacts – saltmarsh critical load	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	<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 <b>[REP1-021]</b>. However, Natural England advise that further information is required to determine whether the appropriate Critical Load has been applied.</p> <p>Natural England welcomes the commitment that ABP will provide information on inundation to Natural England.</p> <p>Based on the information provided in the updated shadow HRA <b>[REP6-013]</b>, Natural England agrees that the critical loads used in the assessment are considered appropriate.</p>	<p>Further clarification is provided in ABP's response to Natural England's relevant representations <b>[REP1-021]</b>. The updated Shadow HRA <b>[REP6-013]</b> also includes this information.</p> <p>Based on the Natural England saltmarsh survey referenced in <b>[REP1-021]</b> the two communities are a stand of SM24 (sea couch grass) and an area of SM6 (common cord grass). JNCC guidance identifies SM24 as a drift line community (as it is relatively ubiquitous in various estuarine habitats and is of low nitrogen sensitivity) and SM6 as pioneer saltmarsh (i.e. lower saltmarsh). As such both communities are considered appropriate for using the upper critical load of 20 kgN/ha/yr.</p> <p>It is also noted that even using the lower critical load of 10 kgN/ha/yr a conclusion of no AEol is reached for the reasons set out in the updated Shadow HRA <b>[REP6-013]</b>. Moreover, it is noted that the modelled worst-case scenario is precautionary and an overestimate of actual nitrogen deposition as it assumes all vessels will be only MARPOL II compliant, whereas in practice there will be a mixture of MARPOL II and MARPOL III vessels.</p> <p>The shadow HRA has been updated <b>[REP6-013]</b> to incorporate the additional information requested by Natural England.</p>	As per ABPs position.	Agreed	4 June 2024

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ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
NE33	Air quality impacts– marine vessels	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	<p>NE33A → Natural England welcomes the further information provided in the Applicant's Comments on D1 Submissions from Natural England <b>[REP1-013]</b>. However, Natural England advise that further information is still required regarding how the assessment was undertaken in order to determine whether the maximum of 292 vessels is the most appropriate figure and it can be concluded that there is no reasonable scientific doubt as to the absence of adverse effects on the integrity of the Humber Estuary designated sites.</p> <p>Natural England welcomes the further information provided in the Statement of Common Ground regarding how the appropriate vessel maximum was determined, and agrees that this point, in relation to the points on Air quality impacts from the number of vessels, has been addressed.</p> <p>NE33B –Natural England reiterate that it should be determined whether the maximum number of vessel movements is adequately secured, as these values are relied upon in the HRA conclusions.</p> <p>Natural England welcomes the information provided in the Statement of Common Ground. Natural England advise that it is the role of the Planning Inspectorate to determine whether the maximum number of vessel movements is adequately secured, as these values are relied upon in the HRA conclusions. Natural England would welcome a Vessel Management and Monitoring Plan, to ensure that vessel movements remain within the assessed limits.</p>	<p>Further clarification is provided in ABP's response to Natural England's relevant representations <b>[REP1-021]</b>.</p> <p>It was agreed a meeting between both parties that this point actually covered two issues.</p> <p>NE33A Natural England has identified that of importance to the HRA is the matter of whether ABP can be confident that the figure of 292 vessels used in the modelling is a maximum. It was confirmed to Natural England that this number has been assumed as a realistic worst case assessment for the application and is a robust assumption on which assessments have been made in the HRA. ABP has provided further detail in their response at Deadline 2 <b>[REP2-013]</b> regarding factors affecting the number of vessel calls. It is not anticipated that the conservative assumption of 292 vessel calls will be exceeded for import and export of liquid bulks across the jetty but in any event further consents will be required for the necessary landside works for the import/export of other liquid bulks (i.e. other than ammonia) across the jetty and will be subject to further environmental assessment at that stage when the additional necessary consents are sought.</p> <p>NE33B The second point was whether this worst case assumption of 292 vessel calls should be secured in the DCO. ABP's position is that it is not necessary to impose such a restriction. Requirements should only be imposed on a DCO which are "precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects". The need for future consents to facilitate the import/export of other liquid bulks than ammonia) means that any such requirement would be – by definition – unnecessary. Furthermore it was agreed that whether or not the</p>	As per ABPs position.	<p><b>NE33A – Agreed</b></p> <p><b>NE33B Matter not agreed – no material impact</b></p>	<p>4 June 2024</p> <p><b>6 August 2024</b></p>

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				assumed maximum number of vessel calls was secured was not germane to whether the HRA was robust, which assessed the worst case assumption of vessel calls to the jetty (average of 0.8 vessels per day), which is very small when considered in context with the baseline vessel movements within the Humber Estuary and in respect of which the assessment concludes no adverse effect on integrity from the operational emissions of marine vessels on the protected sites and therefore no mitigation is required.			
NE34	Air quality impacts – overall comments	Shadow HRA <b>[REP6-013]</b> Chapter 6: Air Quality <b>[APP-048]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	Natural England welcomes the commitment in the Applicant's Comments on D1 Submissions from Natural England <b>[REP2-013]</b> , to provide the source apportionment of site and vessel emissions to Project pollutant contributions, as reported in the Environmental Statement, in a Technical Note at Deadline 5. Natural England will review the information when submitted.  It is noted that the Applicant's Comments on D1 Submissions from Natural England <b>[REP2-013]</b> , stated that text regarding whether the flare stack modelling undertaken represented a worst-case location for potential emissions would be added to the shadow HRA at Deadline 3. Natural England notes that this information has not yet been provided in the shadow HRA, and re-iterates that whilst <b>Natural England</b> , note and accept the justification provided regarding flare stack modelling (i.e. that the Applicant can 'confirm with certainty that the flexibility in stack locations will not affect the conclusions of the assessment,	As per Air Products position.	Further clarification is provided in ABP's response to Natural England's relevant representations <b>[REP1-021]</b> .  The typographical error in the updated Shadow HRA <b>[REP6-013]</b> has been corrected replacing 'north west' with 'north east'.  The typographical error in the updated Shadow HRA <b>[REP6-013]</b> has been corrected, the text should say intertidal rather than marine.  <u>The Technical Note on source apportionment has been shared with Natural England and has been submitted into Examination at Deadline 6.</u>  <u>Updated</u> Information on the flare stack modelling has been included in the updated Shadow HRA submitted at <u>Deadline 6</u> , <b>[REP6-013]</b> , in line with the material shared with Natural England on 23 July 2024.	<b>Agreed</b>	25 July 2024

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			<p>particularly at the nearest sensitive habitats, given the limited contribution of stack impacts at those locations. ), this information should be incorporated into the HRA.</p> <p>Natural England note that the HRA has been updated to include further information regarding accidental releases of ammonia and advise that <b>Natural England's</b> comments regarding this <b>point</b> are addressed under issue NE54.</p> <p><u>Based on the updated information and Air Quality Technical Note provided by ABP, Natural England can agree that their outstanding comments regarding the source apportionment of site and vessel emissions to Project pollutant contributions, and flare stack modelling, have been addressed</u></p>				
NE35	HRA – consideration of combined effects	Shadow HRA [REP6-013] Relevant Representation [RR-019]	Natural England welcomes the updated information provided in 4.13.7 of the shadow HRA [REP6-013] and agrees that this point regarding the potential for combined effects from terrestrial and marine construction noise to increase levels of disturbance to SPA birds has been addressed.	Section 4.13 of the Shadow HRA [REP6-013] on intra-project effects has been updated to provide further detail on potential intra-project effects relating to terrestrial and marine construction noise and piling.	As per ABPs position.	Agreed	15 April 2024
NE36	HRA - In- combination assessment at appropriate assessment stage general comments	Shadow HRA [REP6-013] Relevant Representation [RR-019]	Natural England advises that further information should be provided in the in-combination assessment regarding physical loss of (or change to) habitat and associated species on qualifying habitats and species of the Humber Estuary SAC (Table 35), in line with agreed updates to the assessment of impacts from the project alone.	The final row in Tables 36, 37 and 38 of the Shadow HRA [REP6-013] 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.	As per ABPs position.	Agreed	28 June 2024

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			Natural England have reviewed the updated information provided by ABP via email on 21 June and agree with the assessment conclusions, subject to agreed updates to the Shadow HRA at Deadline 5.	The updated Shadow HRA <b>[REP6-013]</b> provides more detail in the in-combination assessment on the loss of (or change to) habitat which was shared with Natural England via email on the 21 June. In summary, with the provision of the compensatory habitat required for other projects and given that the combined intertidal losses with the Project will be <i>de minimis</i> and ecologically inconsequential, there is no potential for an AEOL on qualifying interest habitat features as a result of intertidal habitat loss.			
NE37	HRA – In- combination assessment - Underwater noise and vibration during marine piling on qualifying species of marine mammals	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	The screening distance used for the in-combination assessment is smaller than Natural England 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, Natural England 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 response to Natural England's relevant representations <b>[REP1-021]</b> .	As per ABPs position.	Agreed	8 March 2024
NE38	HRA – Cumulative underwater noise disturbance and barrier effects to grey seals	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	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 welcomes the updates made to the updated shadow HRA <b>[REP6-013]</b> , including the separation of injury and disturbance impacts to grey seals.  Natural England note that updated assessments have been provided by the applicant to Natural England.  Natural England maintain that more detail should be provided on the nature of the combined effects for <u>all</u> the projects	A detailed overview of the cumulative underwater noise effect is provided in ABPs response to Natural England's Relevant Reps <b>[REP1-021]</b> . <b>The updated Shadow HRA [REP6-013]</b> has been further updated to include additional detail with respect to the in-combination effects of all projects. <b>ABP remain of the opinion that sufficient information has been provided to support this assessment. In this context ABP notes that Natural England is in agreement with ABP's conclusion, in that cumulative underwater noise disturbance and barrier effects to seals will not have an AEOL of any European site, alone or in-combination.</b>	As per ABPs position.	Matter not agreed – no material impact	6 August 2024

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			<p>together. The Applicant should examine the associated timings of the piling campaigns, of all the relevant projects together, to check whether any are scheduled to occur simultaneously in a month/year and to assess what the combined effects will be.</p> <p>Despite the methodological limitations of the assessment, based on the information provided, overall, Natural England concurs that cumulative underwater noise disturbance and barrier effects to seal will not have an adverse effect on the integrity of any European site, alone or in-combination.</p>				
NE39	HRA – In- combination assessment – Visual and noise disturbance to SPA birds	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b>	<p>Natural England advises that the in-combination assessment should provide a detailed assessment of disturbance impacts on Humber Estuary SPA birds during construction.</p> <p>Natural England welcomes the commitment to update the Shadow HRA and will review the information when submitted. Natural England agrees with the conclusions of the in-combination assessment for visual and noise disturbance to SPA birds, subject to agreed updates to the shadow HRA regarding mitigation for the project alone (as detailed above).</p>	Further assessment of whether piling (and other construction activity) associated with relevant projects including IERRT could overlap temporally with IGET is included in the updated Shadow HRA <b>[REP6-013]</b> . This includes consideration of potential disturbance and displacement effects with the proposed mitigation in place for each of the relevant projects.	As per ABPs position.	Agreed	4 June 2024
NE40	Air quality – in combination assessment	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> <b>Chapter 25: Cumulative and In-Combination Effects [REP5-009]</b>	Natural England welcomes the additional information provided in the Applicant’s Comments on D1 Submissions from Natural England <b>[REP1-213]</b> . Natural England accepts that there are no European sites within 200m of any road used by project related traffic so the impact of traffic-derived air pollution (alone or in combination	As per Air Products position.	Further clarification is provided in ABP’s response to Natural England’s relevant representations <b>[REP1-021]</b> .	Agreed	15 April 2024

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		Applicant's Responses to Relevant Representations [REP1-021]	with other projects) does not need to be considered in the HRA. Natural England welcomes the commitment to update the shadow HRA with this information at Deadline 3, and considers that this point has been addressed.				
NE41	HRA – conclusions	Shadow HRA [REP6-013] Relevant Representation [RR-019]	Natural England previously requested that a summary of each European site affected was provided, alongside a summary of mitigation measures, whether they will completely avoid or reduce impacts to an acceptable level, the certainty of this mitigation and a schedule of mitigation measures. Natural England welcomes the updates to Section 5 of the shadow HRA [REP6-013], including the provision of Table 38 which summarises the mitigation measures proposed, detailing their effectiveness, target features of the European sites effected and the confidence in the mitigation effectiveness. Natural England also welcomes the provision of the Mitigation Effectiveness Document (Appendix E), which provides further information regarding the schedule of proposed seasonal restrictions on construction activity. Therefore Natural England consider that this point is resolved. However, Natural England highlights that discussions are ongoing regarding the remaining individual outstanding issues associated with the shadow HRA and its conclusions.	The conclusions section (Section 5) of the Shadow HRA [REP6-013] has been 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.	Agreed	03 May 2024
NE42	Chapter 10 Ornithology – Assessed sensitivity of ornithology receptors	Shadow HRA [REP6-013] Relevant Representation [RR-019] ES Chapter 10: Ornithology [APP-052]	Natural England note that whilst turnstone have a low sensitivity to disturbance, there is a threshold after which they will not be able to tolerate any increased disturbance, even of a type to which they appear to be habituated, and it is not possible to	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	As per ABPs position.	Matter not agreed – no material impact	6 August 2024

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ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			accurately determine this threshold in advance of works. However, Natural England consider that the potential impacts will be adequately minimised through the provision of suitable mitigation measures. Natural England refer to NE21F for further advice regarding the Ecological Clerk of Works (ECoW).	to the most sensitive species within assessments. <u>The proposed mitigation is also considered effective at minimising potential disturbance effects on Turnstone with no potential for AEoI on this feature.</u>			
NE44	Air Quality impacts from traffic – construction phase	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> ES Chapter 11: Traffic and Transport <b>[APP-053]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	Natural England welcomes the justification provided in the Statement of Common Ground (May 2024), and agrees that this point has been addressed.	As per Air Products position.	Further clarification is provided in ABP's response to Natural England's relevant representations <b>[REP1-021]</b> . This references the conclusion agreed for the IERRT project.  For the purposes of IGET the traffic modellers have identified the operational flows expected on the M180 at the SSSI. This has been confirmed to be low single figures of Annual Average Daily Traffic (AADT). As such the impact would not be visible in any modelling and therefore there would be no contribution to any retardation of improvement in nitrogen deposition rates.	Agreed	15 April 2024
NE45	SSSI assessment – The Lagoons SSSI little tern	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b>	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 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 <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	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 response to Natural England's relevant representations <b>[REP1-021]</b> . Natural England	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 ABP's response to Natural England's relevant representations <b>[REP1-021]</b> .	Agreed	8 March 2024

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ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
			consider that this matter can be agreed, based on the information provided.				
NE47	Soils and Best and Most Versatile Agricultural Land - ALC Survey	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	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.  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.  Natural England welcomes the additional information provided in ABP's response to Natural England's relevant representations <b>[REP1-021]</b> . Natural England consider that this matter can be agreed, based on the information provided.	As per Air Products position.	The agricultural land survey has been undertaken by Reading Agricultural Consultants (RAC). RAC has more than 50-years' experience of providing advice on agricultural, environmental and countryside issues.  The requested maps and further assessment details have been provided in the response to Natural England's Relevant Representations <b>[REP1-021]</b> .	Agreed	8 March 2024
NE48	Soils and Best and Most Versatile Agricultural Land - Sustainable soil management	Shadow HRA <b>[REP6-013]</b> Relevant Representation <b>[RR-019]</b> <b>Outline Construction Environmental Management Plan [REP6-009]</b> Applicant's Responses to Relevant Representations <b>[REP1-021]</b>	Natural England advises that additional information is required regarding soil handling methods.  Natural England welcomes the additional information provided in ABP's response to Natural England's relevant representations <b>[REP1-021]</b> . Natural England consider that this matter can be agreed, based on the information provided.	As per Air Products position.	An outline Soil Management Plan (OSMP) is provided within Appendix B of the Outline <b>CEMP [REP6-009]</b> . The OSMP is based on guidance documents that include the Defra Construction Code of Practice suggested by Natural England.  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.  Further clarification is provided in ABP's response to Natural England's relevant representations <b>[REP1-021]</b> .	Agreed	8 March 2024

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ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
NE49	Protected Species	Relevant Representation [RR-019]	Natural England has adopted standing advice for protected species, which includes guidance on survey and mitigation measures. This guidance should be followed.  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.	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.	Requirement for mitigation not assessed by Natural England.	4 December 2023
NE50	HRA – Potential effects of maintenance dredging on water quality	Shadow HRA [REP6-013] Relevant Representation [RR-019]	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 AEoI for this impact pathway.  Natural England confirm that this matter is agreed, based on the information provided.	ABP acknowledge Natural England's position regarding no AEoI for maintenance dredging on water quality.	As per ABPs position.	Agreed	4 December 2023
NE52	HRA - Cumulative assessment	Shadow HRA [REP6-013] Relevant Representation [RR-019] Applicant's Responses to Relevant Representations [REP1-021]	Natural England welcomes the additional information provided in ABP's response to Relevant Representations [REP1-021] and agrees that this point has been addressed, notwithstanding the outstanding individual issues (as detailed above).	Further clarification is provided in ABP's response to Natural England's relevant representations [REP1-021]. The updated Shadow HRA [REP6-013] also includes this information where appropriate.	As per ABPs position.	Agreed	3 May 2024
NE54	HRA – Air Quality	Shadow HRA [REP6-013]	Natural England advises that the potential for accidental releases of ammonia needs to be assessed from an ecological perspective. It needs to be clear that this has been captured in the assessments with the inclusion of mitigation as required.  Natural England welcomes the additional information provided in the updated shadow HRA [REP6-013], and agrees that this point, in relation to the assessment of accidental releases of ammonia, has been addressed.	Additional detail has been provided in the updated Shadow HRA at Deadline 3.	As per ABPs position.	Agreed	4 June 2024

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ID	Matter	Reference	Natural England Position	ABP Position	Air Products Position	Status	Date
NE55	Without Prejudice Derogation - Outstrays to Skeffling Managed Realignment Scheme	Without Prejudice Report to inform Habitats Regulations Assessment (HRA) Derogation <b>[REP3-030]</b>	<p>Natural England has not reviewed the Without Prejudice Report to inform Habitats Regulations Assessment (HRA) Derogation <b>[REP3-030]</b> in detail <b>as Natural England have conclude no AEoI alone or in-combination.</b></p> <p>Natural England understands that the underlying objectives of the Skeffling scheme, from an ABP perspective, is to create new intertidal habitat to compensate for future anticipated habitat losses at their port complexes.</p> <p>Overall, Natural England consider that the Outstrays to Skeffling Managed Realignment Scheme (Skeffling) would provide a suitable approach to delivering compensatory habitat should this be required.</p>	ABPs position is clearly set out in the Without Prejudice Report to inform Habitats Regulations Assessment (HRA) Derogation <b>[REP3-030]</b> .	As per ABPs position.	<b>Agreed</b>	4 June 2024

**Deleted:** at this stage, as discussions on the Appropriate Assessment are still ongoing.

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## 4 Glossary

Abbreviation / Acronym	Definition
AADT	Annual Average Daily Traffic
ABP	Associated British Ports
AEoI	Adverse Effect on Integrity
AP	Air Products
CEMP	Construction Environmental Management Plan
DCO	Development Consent Order
DML	Deemed Marine <a href="#">Licence</a>
ECoW	Ecological Clerk of Works
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
RAC	Reading Agricultural Consultants
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

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