

Date: 20 July 2021
Our ref: 359630
Your ref: ExQ3 Further Written Questions



The Planning Inspectorate

BY EMAIL ONLY

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To whom it may concern

The Examining Authority's Further Written Questions and Requests for Information (ExQ3)

We note the Examining Authority's Further Written Questions issued on 9th July 2021, and have extracted those most relevant to Natural England.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Questions relevant to Natural England are set out below with updates as requested:

Section 4 Habitats and Onshore Ecology

3.4.1 (Applicant / NE)

Please provide an update on the discussions between the Applicant and NE in relation to HRA matters and water vole translocation.

HRA Matters

Further to our most recent letter dated 14th June 2021 (our ref. 355509 ExQ2), we have sought further specialist advice on the likely significant effects of the project to the qualifying features, specifically avocet and ringed plover, and can provide the following update. These comments assume that the causeway is the chosen delivery option for abnormal indivisible loads (AILs), however please note that it is Natural England's strong preference that alternative access is secured through the Port of Tilbury if at all possible.

Regarding avocets, the birds are in the direct path of the causeway and would be displaced. The species typically feeds by skimming the water column / upper mudflat layers, with some variation between breeding and wintering behaviours. A full understanding of the forage resource is not available to inform our advice, but as noted in earlier representations it is thought that avocet favour the upper foreshore area and that prey densities have previously been found to be higher in this location.

The likely impacts of disturbance during the construction and decommissioning phases and loss of forage resource during the operational phase is likely to depress overall fitness and reduce bird condition via reduced intake and increased competition, however this is unlikely to affect survival of individuals. This is in the context of an increasing (but with variable WeBS peak counts) background population. On the spectrum of harm between 'likely significant effect' and 'adverse effect on site integrity' Natural England's advice is that the project's effects lie somewhere in the middle but are unlikely to tip the balance towards an adverse effect to site integrity, but could be expected to

'check' the population rise to some degree.

Regarding ringed plover, the birds are to be found more regularly to the east of the Goshem's Farm jetty where more gravelly substrates are evident from aerial photography, but also inland of the seawall (i.e. slightly away from the immediate location of the proposed causeway). It is important to note that ringed plover populations are declining, and so the impacts of the project may be greater even though the affect bird numbers are smaller (than avocet). Ringed plover are however more tolerant of disturbance. Again, bearing in mind the spectrum of harm between 'likely significant effect' and 'adverse effect on site integrity', the projects effect lie somewhere along this line, but in our view are unlikely to tip the site towards a conclusion of an adverse effect on site integrity.

Nevertheless, we have proposed to the applicant that in addition to efforts that should be made to seasonally avoid disturbance effects, there may be opportunities to engineer the causeway to provide additional foraging habitats. If those areas of the causeway that would be tidally submerged could be designed with a coarser substrate (comprising gravels / pebbles / shingles / cobbles) which would be colonised by marine aquatic invertebrates within the water column then this has the potential to provide a supplementary food resource for ringed plover, assuming an appropriate engineering / design solution could be found to stabilise the substrate on the slopes or surface of the causeway. We anticipate further discussion with the applicant on this idea should follow.

We wish to make it clear to the Examining Authority that in our opinion, the project will be detrimental to the interests of the Thames Estuary & Marshes SPA and Ramsar site, albeit if pressed, there is a marginal case that the project would not have an adverse effect on site integrity. Clearly under these circumstances, an alternative access for AIL should be pursued and secured to avoid impacts if possible.

Water Vole translocation

Natural England understands that a water vole translocation would be required in the event the alternative access option was secured through Port of Tilbury. We have been advised by the applicant that there is insufficient time for a ghost licence application to be submitted and reviewed to meet Examination timeframes, and we would normally require this in order to issue a 'Letter Of No Impediment'. We cannot therefore offer the assurances that a licence could be issued for these purposes, however we can advise that if only a short section of ditch is to be lost (~50m) then displacement of water voles may be possible under licence (this being the less damaging option), but if a longer section is required then relocation by trapping is likely to be required (under licence) to a nearby pre-prepared receptor. Such works are typically routine and licensable by NE so long as appropriate methods and techniques are deployed.

Section 5

3.5.1 (Natural England)

Please provide details of any comments in respect of noise impact thresholds by Deadline 6 to ensure that there is sufficient time for the Applicant and other IPs to comment before the close of the Examination.

Natural England can advise that a threshold of 3dB increase in background noise should be used as the trigger point for the 'likely significant effect' test. Whilst we do not therefore agree with every point of detail in the applicant's assessment, we generally concur that for the species under discussion the disturbance zone of influence of 500m is appropriately precautionary for avocet, and that for ringed plover a lower distance could arguably be adopted. We therefore do not wish to debate this point further, as the HRA / AA conclusions ultimately come down to a judgement call based on a range of factors which we have commented upon above and in previous representations.

We hope the above comments are helpful to you at this point in the Examination of this project.

Yours sincerely

Jonathan Bustard
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