

Habitats Regulations Assessment

Stage 1 Significance Test September 2025

**Planning application to vary condition 21 of
PA/2015/1264 dated 01/02/2016 (previous varied by
PA/2009/0600 dated 10/06/2013) namely to amend the
condition to facilitate construction within the
consented area**

Land east of Skitter Road, East Halton

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Significance Test

Title of Plan

Planning application to vary condition 21 of PA/2015/1264 dated 01/02/2016 (previous varied by PA/2009/0600 dated 10/06/2013) namely to amend the condition to facilitate construction within the consented area

Location of Plan or Project /Application

Land east of Skitter Road, East Halton

Ordnance Survey Grid Reference: TA148210

International Nature Conservation Sites

Humber Estuary Special Area of Conservation (SAC)

Humber Estuary Special Protection Area (SPA) and Ramsar site

Description of Project

The original planning permission PA/2009/0600 was primarily for port related development on a site area of 379.9 hectares. The description is adapted below from the Habitats Regulations Assessment of the original application.

Original Permission PA/2009/0600

(Extracts from the Habitats Regulations Assessment with paragraphs re-numbered)

1. Planning consent for development is sought for an area of 379.9ha. The sizes of areas for development are dependent upon which one of two mitigation options for SPA waterbirds is carried forward. Table 1 details the proposed site areas and land uses.
2. The industrial/commercial development will accommodate B1, B2 and B8 land uses for port related storage and associated service facilities. In addition to this, the application seeks consent to develop either 140.7ha or 159.6ha for on-site amenity landscaping and habitat creation. Improvements to the flood defence wall will entail covering 1.1 ha of rocky foreshore with a further rock toe.
3. In essence the proposed works include:
 - Works to repair the existing flood defence wall on its current alignment.

- Recontouring the site landform in order to reduce the consequences of flooding of the land along its eastern margin.
- The creation of a drainage balancing pond and the installation of a new drainage system with its outfall onto the foreshore via a new pumping station.
- Construction of a 2,490m long service road with screening bunds running north to south through the southern part of the site, thus extending the existing consented glass wool factory access road with its link to the junction of Eastfield Road and Chase Hill Road. (The road will be to adoptable standard).
- Creation of 2,490m of cycleway and increasing public footpaths on site.
- Closure of 590m of highway to motor vehicles.
- Construction of a bridge carrying the proposed new spine road, over the derelict railway line.
- Construction of railway sidings and a loading area, linking into the end of the live railway north west of the Humber Sea Terminal.
- Construction of a private road (to adoptable standard) linking the site with the Humber Sea Terminal.
- Creation of a business park on the west side of the spine road.
- Creation of transport depots, an HGV service facility, warehousing, offices, car parks and external storage areas with floodlighting and 2.5m high security fencing, east of the spine road and south of the former railway line and security cabins.
- Development of a motel and a truck stop restaurant with HGV refuelling facilities.
- Construction of external storage areas with floodlighting and 2.5m high security fencing.
- Construction of sewage treatment facilities and links to Anglian Water foul water treatment facilities.
- Construction of a 2410m spur from the consented hydrogen pipeline to run from the spine road bridge over the former railway, along the west side of the spine road to its junction with Chase Hill Road.
- Erection of two telecommunication masts, 20m high, each with two associated cabins within a surrounding compound.
- Erection of one bird hide.

4 Further details are given in the revised Chapter 4 of the submitted Environmental Statement dated April 2011. Details of the locations of the proposed hard surface developments are shown on submitted Drawings No. KI-02002 & ALP-02005, which should be read in conjunction with the submitted Development Statistics for Options 1 & 2. In addition, the development will provide amenity landscaping

beside Skitter Road and on the north side of the former railway line. Areas which have been designated for habitat creation lie to the north and west of the Winters' Pond.

5 The applicant has proposed that works will be phased as shown in Tables 2 and 3 overleaf.

6 Measures taken to minimise effects on the International Nature Conservation Sites:

6.1 The applicant has proposed areas of wetland habitat creation to provide for feeding, roosting and loafing waterbirds. There are two options for the total area and configuration of these. The on-site only option entails the provision of around 74 hectares of wetland mitigation habitat, comprising 32 hectares of "core" mitigation habitat adjudged adequate to support the numbers of waterbirds currently observed on-site and 42 hectares of wetland buffer habitat, designed to protect birds in the core area from noise and visual disturbance. The on-site and off-site option entails the provision of 55 hectares of wetland mitigation habitat on-site, comprising 20 hectares of core habitat and 35 hectares of buffer. Additionally, the latter option will entail the provision of 50 hectares of wetland mitigation habitat off-site, at a location to be agreed, comprising 20 hectares of core habitat and 30 hectares of buffer.

6.2 Works on the seaward side of the seawall will be conducted between April and September, to minimise temporary disturbance to bird populations during the overwintering period (October to March).

6.3 Attempts have been made to phase works so as to minimise construction disturbance to waterbirds using intertidal areas, existing farmland or created habitat areas. Seasonal work timings have also been planned on this basis, where appropriate. These are described in sections 10.5.50 to 10.5.59 of the submitted ES (as amended by addendum section 13.9).

6.4 Attempts have been made to minimise construction light disturbance to waterbirds using intertidal areas, existing farmland or created habitat areas. These are described in section 10.5.127 of the submitted ES.

6.5 The project proposals have been revised subsequent to the planning committee of 08 October 2010, in order to address the continuing concerns of Natural England and the RSPB.

Table 2: Proposed Phasing of Works

Phase	Timing	Plot no.	Plot area (ha)		Works Proposed
			Option 1	Option 2	
1	2011-2014	NE1	2.2	2.2	Transport depot office, workshop, parking & external storage.
		NE2	1.9	1.9	HGV services office, HGV workshop, parking & external storage.
		NE3	2.6	2.6	Waste management facility.
		NE4	2.3	2.3	Transport depot office, workshop, parking & external storage.
		NE5	2.0	2.0	Transport depot office, workshop, parking & external storage.
		NE6	4.9	4.9	Warehouse, security cabin, parking & external storage.
		NE7	12.9	12.9	Warehouse, security cabin, parking & external storage.
		NW1	0.2	0.2	Large office
			0.2	0.2	Large office
			0.4	0.4	6 No. small offices (746m2 each)
			0.2	0.2	Road
		Road	2.5	2	Spine road inc. cycleways
		Potential Dev. Area	18.8	18.8	Formerly proposed waterbird mitigation area.
		Waterbird Mitigation	20	20*	Core Area (to be finished prior to phases 3-6)
			35.1	35.1*	Buffer (including balancing pond) (to be finished prior to phases 3-6)
		Landscape	5.3	5.3	Permanent water
			23.6	23.6	Landscaping (inc. 1.2 ha woodland)
6	6		Pond		
Total	120.6	119.9			
2	2011-2015	Waterbird Mitigation	N/A	12	Extension to Core Area (to be finished prior to phases 3-6)
			N/A	6.8	Extension of Buffer (to be finished prior to phases 3-6)
		Total	N/A	18.8	
3	2013-2015	NW2	13.3	13.3	Warehouse, security cabin, parking & external storage.
		NW3	9.1	9.1	Warehouse, security cabin, parking & external storage.
		NW4	7.7	7.7	Truck stop motel, restaurant & parking.
		NW5	3.1	3.1	Warehouse & security Cabin
		NW6	44.7	44.7	Port related storage, office, vehicle PDI building, security cabin & stores building.
		Road	2.5	1	Inc. cycleways and footpaths
		Landscape	30	30	
Total	110.4	108.9			

4	2014-2016	NE8	8.7	8.7	Warehouse, security cabin, parking.
		NE9	3.8	3.8	Warehouse, security cabin, parking.
		NE10	12.0	12.0	Rail freight terminal, security cabin & office.
		Potential Dev. Area	5.5	5.5	Formerly proposed waterbird mitigation area.
		Landscape	10	10	
		Total	40	40	
5	2015-2017	NW7	35		Port related storage, vehicle etching building, office, vehicle PDI building, security cabin, stores building, car parking & external storage.
		Landscape	15		Landscaping and habitat creation
		Total	50		
6	2016-2018	NE12	41.6	25	Transport depot office, workshop, parking and external storage
		Landscape	10	10	Landscape and habitat creation
		Total	51.6		
-----	2012-2014	Floodbank			

*asterisked values replace figures considered to be included in error in the addendum to the Environmental Statement.

Table 3. Potential overlap of phases

Phase		2011	2012	2013	2014	2015	2016	2017	2018
1									
2									
3	To begin after completion of wetland mitigation								
4									
5									
6									
Pipeline									
Flood wall									

Planning Application PA/2015/1264

This was an application “for variation of condition numbers 3, 4, 6, 7, 15,19, 26, 35, 38, 40, 48, 49, 50 and 51 and removal of condition number 5 of planning permission PA/2009/0600”. Once the revised conditions were approved, PA/2015/1264 became the extant permission for port related development of the site.

Planning Application PA/2025/720

The current application seeks to vary condition 21 of PA/2025/1264. Condition 21 is as follows:

21.

No development which comprises the erection of a building, with the exception of the pumping station, shall commence within any area identified as flood zone 3 as shown on the attached plan until the construction of the sea wall and associated sea wall works have been completed.

Reason

To reduce the impact of flooding by ensuring the development has the benefit of an appropriate standard of flood defence.

The proposed revised wording for Condition 21 is as follows:

"No building shall be occupied within any area identified as flood zone 3... until the construction of the sea wall and associated sea wall works have been completed"

The Habitats Regulations Assessment Process

The process is described in detail in Circular 06/2005. The Council has followed the Circular as closely as possible. The main stages in the process are as follows. Note that if there are no harmful effects on the features of the International Nature Conservation Sites, or if these effects can be prevented, not all of the stages will be required.

- Determination of Likely Significant Effect
- Appropriate Assessment with regard to site Conservation Objectives.
 - Determine whether there will be an Adverse Effect on the Integrity (AEOI) of the International Nature Conservation Sites with reference to all the relevant interest features.
 - Consider possible restrictions and conditions.
 - Consider alternative approaches.
 - Consider any Imperative Reasons of Over-riding Public Interest (IROPI).

Put simply, the Local Planning Authority can only grant planning permission if, at a given stage above, it can be ascertained that the proposal would not adversely affect the integrity of the International Nature Conservation Sites. Even if, at a late stage in considerations, IROPI were found to apply, compensatory measures would need to be provided.

Circular 06/2005 describes the key decision to be made as follows:

“In the light of the conclusions of the assessment of the project’s effects on the site’s conservation objectives, the decision-taker must determine whether it can ascertain that the proposal will not adversely affect the integrity of the site(s). The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified. It is not for the decision-taker to show that the proposal would harm the site, in order to refuse the application or appeal. It is for the decision-taker to consider the likely and reasonably foreseeable effects and to ascertain that the proposal will not have an adverse effect on the integrity of the site before it may grant permission. If the proposal would adversely affect integrity, or the effects on integrity are uncertain but could be significant, the decision-taker should not grant permission, subject to the provisions of regulations 49 and 53 as described below.”

“..In the Waddenzee judgment, the European Court of Justice ruled that a plan or project may be authorised only if a competent authority has made certain that the plan or project will not adversely affect the integrity of the site. “That is the case where no reasonable scientific doubt remains as to the absence of such effects”. Competent national authorities must be “convinced” that there will not be an adverse effect and where doubt remains as to the absence of adverse effects, the plan or project must not be authorised, subject to the procedure outlined in Article 6(4) of the EC Habitats Directive regarding imperative reasons of overriding public interest.” – ODPM 2005.

Box 1- Government Guidance on the Determination of Likely Significant Effect (LSE) (www.gov.uk accessed 20 April 2022)

Screening

This step is a simple assessment to check or screen if a proposal:

- is directly connected with or necessary for the conservation management of a European site
- risks having a significant effect on a European site on its own or in combination with other proposals

You should consider the proposal's integral design features or characteristics, such as its layout, timing and location to inform your screening decision. These may mean that any risk to a European site is avoided and you do not need to do an appropriate assessment.

At this stage, you should not consider any mitigation measures included by the proposer for the purpose of avoiding or minimising risk to a European site. These mitigation measures need to be considered at the appropriate assessment stage.

Conservation management proposals

You must first check if the whole proposal is for the conservation management of the habitats or species for which the European site has been designated. If it is, you do not need to carry out an appropriate assessment.

You must continue screening the proposal if it contains:

- conservation management that could negatively affect a different feature or a different European site
- non-conservation management activities, such as development, commercial operations or recreational events

Assess the likely significant effect

You must check if the proposal could have a significant effect on a European site that could affect its conservation objectives.

You should check if there's a risk or possibility of a significant effect based on the evidence. You should only consider real, not hypothetical risk.

[...]

You should consider:

- the area over which the proposed activity would take place
- any overlaps or interaction with the protected features of a site in a direct or indirect way
- the effect of any essential parts of the proposal, such as its location, timing or design

If you cannot rule out the risk of the proposal having a significant effect, you will need to do an appropriate assessment.

Check for combined effects

Your proposal alone may have an effect on a European site that's not significant. You must check if this effect could combine with any other proposal planned or underway and affects the same site, that on its own also does not have a significant effect. If, in combination, your proposal could have a significant effect on the European site, you will need to do an appropriate assessment.

Check for proposals being dealt with by other competent authorities, such as:

- applications for a new permission
- applications to change an existing permission
- granted permissions that have not begun or been completed
- granted permissions that need renewing
- plans that have been drafted but not yet adopted

A proposal, alone or in combination with other proposals, could cause a significant effect on a European site if there's:

- a reduction in the amount or quality of designated habitats or the habitats that support designated species
- a limit to the potential for restoring designated habitats in the future
- a significant disturbance to the designated species
- disruption to the natural processes that support the site's designated features
- only reduction or offset measures in place

If there's no likely significant effect on the site, either alone or in combination, then you do not need to carry out an appropriate assessment.

You should record your screening decision and your reasons for it.

Potential Hazards

Potential hazards to the features of the International Nature Conservation Sites that have been considered are as follows:

- Loss of intertidal habitat due to coastal squeeze following restoration and improvement of the floodbank.
- Loss of intertidal habitat due to construction of floodbank toe beam within the current intertidal area.
- Disturbance of wintering and passage waterbirds during the construction phase of the proposal, including landscaping operations and the creation of waterbird habitat.
- Ongoing noise and visual disturbance of waterbirds using the adjacent intertidal area and areas of created wetland.

Loss of intertidal habitat due to coastal squeeze following restoration and improvement of the floodbank.

The Habitats Regulations Assessment (HRA) for PA/2009/0600 considered coastal squeeze (Taylor 2011). With sea level rise in the future, holding the line of the floodbank as part of the development would mean that intertidal habitats would be gradually eroded and lost, without being able to migrate inland. Therefore, coastal squeeze following restoration and improvement of the floodbank was recorded as a likely significant effect for the project.

The HRA recorded that, regardless of whether or not planning permission were to be granted for the Able UK project, the same coastal squeeze losses would occur along the frontage. Similarly, regardless of whether or not planning permission were to be granted for the Able UK project, the Environment Agency would be committed to providing replacement inter-tidal habitat to offset the area lost to coastal squeeze.

The HRA concluded that there would be no adverse effect on the integrity of the Humber Estuary SAC, SPA and Ramsar site due to coastal squeeze of inter-tidal habitats attributable to the Able UK proposal. This will remain the case with the proposed condition variation, as delaying the proposed floodbank construction relative to building works will not materially affect the situation in relation to coastal squeeze.

There is no likely significant effect on the Humber SAC, SPA or Ramsar site due to the condition variation in relation to the impact pathway “Loss of intertidal habitat due to coastal squeeze following restoration and improvement of the floodbank.”

Loss of intertidal habitat due to construction of floodbank toe beam within the current intertidal area.

The Habitats Regulations Assessment (HRA) for PA/2009/0600 considered the direct loss of mudflat and saltmarsh due to floodbank construction (Taylor 2011). Installation of rock armour seaward of the current flood defence was estimated to result in a loss of 606-908 m² of intertidal mud, representing 0.0006% to 0.0009% of the Estuary resource.

Within East Halton Skitter, the floodbank toe beam would encroach onto existing mudflat, *Spartina anglica* Common cord grass community (National Vegetation Classification (NVC) type SM6) and NVC SM12 saltmarsh communities. Able UK estimated that 392m² of the SM12 community would be lost, based on the results of a 2001 NVC survey commissioned by English Nature (Richard Cram 17 February 2010). Only 40.5 ha of SM12 communities were recorded in the entire Humber Estuary during this survey (Allen et al. 2003) making this a loss of about 0.1% of the Estuary resource and a much higher percentage of the total for the south bank of the Middle Estuary.

To minimise the loss of intertidal habitat, no works on the floodbank would be carried out from the seaward side (secured by condition 43 on PA/2015/1264). To mitigate the loss of intertidal habitat, Able UK agreed to create a small area of intertidal habitat within East Halton Skitter, through managed realignment of the existing floodbank. It was predicted that this would create 1177m² of intertidal habitat within the existing Humber Estuary SPA boundary and 1273 m², of intertidal habitat outside the existing Humber Estuary SPA boundary. Experience from other managed realignment schemes around the Humber Estuary indicated that the habitat creation area would initially function as a kind of impoverished mudflat, before rapidly developing into saltmarsh (Taylor 2011). This approach was secured by conditions 43 and 44 of PA/2015/1264.

The European Court of Justice ruling in the “Briels” case clarified that such “mitigation measures” are, in fact, compensatory measures and should not be taken into account when determining whether a plan or project would have an adverse effect on the integrity of a European Site¹. Compensatory measures are considered only if it is not possible to determine that a project would not have an adverse effect on the integrity of a European site and if the project is subsequently. Thus, PA/2009/0600 would be considered differently if it came forward today.

¹ Judgment of the Court (Second Chamber) of 15 May 2014 (request for a preliminary ruling from the Raad van State (Netherlands)) — T.C. Briels and Others v Minister van Infrastructuur en Milieu (Case C-521/12) <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:62012CA0521>

Nevertheless, conditions 43 and 44 of PA/2015/1264 do apply. Although predictions of the scale of losses and gains of mudflat and saltmarsh may have changed since PA/2009/0600 was granted permission, the net effect of Able Logistics Park project is still expected to be an increase in the area of dynamic intertidal habitat, which may comprise mudflats or various saltmarsh communities as conditions change.

Regardless of the proposed wording change to condition 21 of PA/2015/1264, condition 44 still requires that “The managed retreat works shown on submitted drawings KI-06029 D and KI-06030 D shall be carried out in their entirety before the commencement of any other floodbank works”.

There is no likely significant effect on the Humber SAC, SPA or Ramsar site due to the condition variation in relation to the impact pathway “Loss of intertidal habitat due to construction of floodbank toe beam within the current intertidal area.”

Disturbance of wintering and passage waterbirds during the construction phase of the proposal, including landscaping operations and the creation of waterbird habitat.

The Habitats Regulations Assessment (HRA) for PA/2009/0600 considered disturbance of wintering and passage waterbirds during the construction phase of the proposal (Taylor 2011). The HRA notes that construction works near the floodbank could disturb waterbirds using intertidal habitat and construction works for commercial development could disturb waterbirds using created wet grassland habitat (now created as Halton Marshes Wet Grassland (HMWG)). Working on building construction and floodbank creation at the same time could lead to increased noise and visual disturbance of intertidal and HMWG.

Cut and fill earthworks and works on the seaward side of the floodbank are planned between April and September to minimise temporary disturbance of wintering and passage birds (Alab 2009a 10.5.52, Doubleday 2010). The timing will avoid much of the sensitive period, although if the wetland areas are successful, significant waterbird assemblages could be present in July-September and April-June.

Furthermore, the core mitigation area for wetland birds in HMWG is protected by a 150 metre wide buffer (comprising 120 metres of wet grassland and 20 metres of operational buffer) on the landward side. This will help to minimise visual disturbance, light overspill and construction noise within the core area during construction.

Condition 47 of PA/2015/1264 requires the submission of a waterbird protection and construction method statement for each stage of development. If building works and floodbank works are taking place at the same time, the method statements for the relevant stages of

development would need to take into account the combined effects of works on both sides of HMWG and provide appropriate mitigation measures. As condition 47 is already in place, it is acceptable to consider it at the screening stage of the HRA.

Therefore, there is no likely significant effect on the Humber SPA or Ramsar site due to the condition variation in relation to the impact pathway “Disturbance of wintering and passage waterbirds during the construction phase of the proposal, including landscaping operations and the creation of waterbird habitat.”

Ongoing noise and visual disturbance of waterbirds using the adjacent intertidal area and areas of created wetland

The Habitats Regulations Assessment (HRA) for PA/2009/0600 considered ongoing noise and visual disturbance of waterbirds using the adjacent intertidal area and areas of created wetland (Taylor 2011). This found that ongoing noise disturbance would be controlled by the wet grassland buffers around HMWG and by the conservation management plan for the waterbird mitigation areas (secured by condition 48 of PA/2015/1264).

The proposed variation of condition 21 would not affect the likelihood or magnitude of ongoing noise or visual disturbance and would have no effect on the mitigation measures in place.

Therefore, there is no likely significant effect on the Humber SPA or Ramsar site due to the condition variation in relation to the impact pathway “Ongoing noise and visual disturbance of waterbirds using the adjacent intertidal area and areas of created wetland.”

In-combination Plans and Projects.

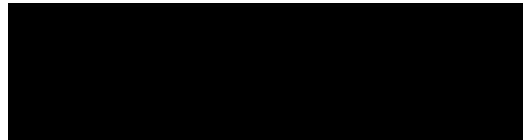
Condition 21 of PA/2015/1264 only applies to the Able Logistics Park project. No other plans or projects are considered likely to act in combination with the wording change to the planning condition.

Determination of Likely Significant Effect under the Conservation of Habitats and Species Regulations 2017 (as amended)

1. North Lincolnshire Council does not consider that the plan or project is directly connected with, or necessary to, the management of the Humber Estuary Special Protection Area (SPA) and Ramsar site or Humber Estuary Special Conservation Area (SAC) for nature conservation.
2. North Lincolnshire Council is of the opinion that the plan or project is not likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Protection Area (SPA) and Ramsar site.

North Lincolnshire Council is of the opinion that the plan or project is not likely to have a significant effect alone or in combination with other plans and projects on the Humber Estuary Special Conservation Area (SAC).

Signe



Designation: Natural Environment Policy Specialist

Date 30 September 2025

Summary of Determination of Likely Significant Effect (LSE) on International Nature Conservation Site Interest Features

Humber Estuary Special Area of Conservation (SAC) Interest Features

Interest Feature	Likely Significant Effect	Reason
1. Coastal lagoons	No LSE	<p>Regardless of the timing of floodbank works, the same coastal squeeze losses will occur along the site frontage. Similarly, regardless of the timing of Able UK works, the Environment Agency is committed to providing replacement inter-tidal habitat to offset the area lost to coastal squeeze.</p> <p>Regardless of the proposed wording change to condition 21 of PA/2015/1264, condition 44 still requires that "The managed retreat works shown on submitted drawings KI-06029 D and KI-06030 D shall be carried out in their entirety before the commencement of any other floodbank works". This will provide a net increase in intertidal habitat, comprising mudflats and Atlantic salt meadows.</p>
2. Fixed dunes with herbaceous vegetation ("grey dunes")	No LSE	
3. Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)	No LSE	
4. Dunes with <i>Hippophae rhamnoides</i> sea-buckthorn.	No LSE	
5. Embryonic shifting dunes	No LSE	
6. Estuaries	No LSE	
7. <i>Halichoerus grypus</i> Grey seal	No LSE	
8. <i>Lampetra fluviatilis</i> River lamprey.	No LSE	
9. Mudflats and sandflats not covered by seawater at low tide	No LSE	
10. <i>Petromyzon marinus</i> Sea lamprey	No LSE	
11. <i>Salicornia</i> and other annuals colonising mud and sand	No LSE	
12. Sandbanks which are slightly covered by sea water all the time	No LSE	
13. Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes")	No LSE	

Humber Estuary Special Protection Area (SPA) Interest Features

Qualifying species

The site qualifies under **article 4.1** of the Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I in any season:

Annex 1 species	Count and season	Likely Significant Effect	Reason
Avocet <i>Recurvirostra avosetta</i>	59 individuals – wintering	No LSE	Species not found on or near the Able Logistics Park (ALP) application site ¹
Bittern <i>Botaurus stellaris</i>	4 individuals – wintering	No LSE	Species not found on or near the ALP application site ¹
Hen harrier <i>Circus cyaneus</i>	8 individuals – wintering	No LSE	Species not found on or near the ALP application site ¹
Golden plover <i>Pluvialis apricaria</i>	30,709 individuals – wintering	No LSE	Up to 617 Golden Plover have been recorded using the ALP site in winter ² . Mitigation habitat at Halton Marshes wet grassland will continue to be protected by conditions 47 and 48 of PA/2015/1264.
Bar-tailed godwit <i>Limosa lapponica</i>	2,752 individuals – wintering	No LSE	Species not found on or near the ALP application site ¹
Ruff <i>Philomachus pugnax</i>	128 individuals – passage	No LSE	Up to 14 Ruff have been recorded using the ALP application site and adjacent intertidal area between January and April 2007 and 2008 ^{1,2,3a} . Mitigation habitat at Halton Marshes wet grassland will continue to be protected by conditions 47 and 48 of PA/2015/1264.
Bittern <i>Botaurus stellaris</i>	2 booming males – breeding	No LSE	Species not found on or near the application site ^{1,2}
Marsh harrier <i>Circus aeruginosus</i>	10 females – breeding	No LSE	Species not found on or near the application site ^{1,2}
Avocet <i>Recurvirostra avosetta</i>	64 pairs – breeding	No LSE	Species not found on or near the application site ^{1,2}
Little tern <i>Sterna albifrons</i>	51 pairs – breeding	No LSE	Species not found on or near the application site ^{1,2}

The site qualifies under **article 4.2** of the Directive (79/409/EEC) as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species (other than those listed in Annex I) in any season:

Migratory species	Count and season	Likely Significant Effect	Reason
Shelduck <i>Tadorna tadorna</i>	4,464 individuals – wintering	No LSE	Peak count of 3 on intertidal area adjacent to ALP ² and 5 in fields ¹ . Not a significant proportion of the Humber total.
Knot <i>Calidris canutus</i>	28,165 individuals – wintering	No LSE	Species not found in significant numbers on or near the application site ^{1,2}
Dunlin <i>Calidris alpina</i>	22,222 individuals – wintering	No LSE	Peak count of 53 on ALP site ¹ and around 100 on the adjacent intertidal area ² . Not a significant proportion of the Humber total.
Black-tailed godwit <i>Limosa limosa</i>	1,113 individuals – wintering	No LSE	Peak count of 432 on intertidal area adjacent to ALP on one occasion only ² . Otherwise, fewer than 402. Peak count of 29 birds on-site ¹ . Site held >1% of the citation total on 9% of 2008/7/08 counts. Mitigation habitat at Halton Marshes wet grassland will continue to be protected by conditions 47 and 48 of PA/2015/1264.
Redshank <i>Tringa totanus</i>	4,632 individuals – wintering	No LSE	Peak counts of around 40 birds on intertidal area adjacent to ALP ² . Peak of 36 in the fields ¹ . Not a significant proportion of the Humber total.
Knot <i>Calidris canutus</i>	18,500 individuals – passage	No LSE	Species not found in significant numbers on or near the application site ^{1,2}
Dunlin <i>Calidris alpina</i>	20,269 individuals – passage	No LSE	Not recorded as a passage bird on ALP site ¹ . Around 100 on the adjacent intertidal area ² . Not a significant proportion of the Humber total.
Black-tailed godwit <i>Limosa limosa</i>	915 individuals – passage	No LSE	Peak count of 432 on intertidal area adjacent to ALP on one occasion only ² . Otherwise, fewer than 402. Not recorded as a passage bird on ALP site ¹ .
Redshank <i>Tringa totanus</i>	7,462 individuals – passage	No LSE	Peak counts of around 40 birds on intertidal area adjacent to ALP ² . Single figures in the fields during passage ¹ .

Assemblage qualification:

The site qualifies under **article 4.2** of the Directive (79/409/EEC) as it is used regularly by over 20,000 waterbirds (waterbirds as defined by the Ramsar Convention) in any season:

Interest Feature	Likely Significant Effect	Reason
Over 20,000 waterbirds (waterbirds as defined by the Ramsar Convention) in any season: In the non-breeding season, the area regularly supports 153,934 individual waterbirds	No LSE	Significant numbers of waterbirds use the ALP application site and adjacent intertidal area. Species in high numbers include ruff, golden plover, lapwing, curlew. Mitigation habitat at Halton Marshes wet grassland will continue to be protected by conditions 47 and 48 of PA/2015/1264.

Humber Estuary Ramsar Site Interest Features:

Interest Feature	Likely Significant Effect	Reason	
Criterion 1: near-natural estuary with the following component habitats:			
Dune systems and humid dune slacks	No LSE	Regardless of the timing of floodbank works, the same coastal squeeze losses will occur along the site frontage. Similarly, regardless of the timing of Able UK works, the Environment Agency is committed to providing replacement inter-tidal habitat to offset the area lost to coastal squeeze.	
Estuarine waters	No LSE		
Intertidal mud and sand flats	No LSE		
Saltmarshes	No LSE		
Coastal brackish/saline lagoons	No LSE		
Criterion 3: animal species important for maintaining the biological diversity of the biogeographic region:			
grey seals <i>Halichoerus grypus</i> at Donna Nook	No LSE	Species not found on or near the application site.	
natterjack toad <i>Bufo calamita</i> at Saltfleetby-Theddlethorpe	No LSE		
Criterion 5: regularly supports 20,000 or more waterbirds	No LSE	Significant numbers of waterbirds use the ALP application site and adjacent intertidal area. Species in high numbers include ruff, golden plover, lapwing, curlew. Mitigation habitat at Halton Marshes wet grassland will continue to be protected by conditions 47 and 48 of PA/2015/1264.	
Criterion 6: regularly supports 1% of the individuals in the populations of the following species or subspecies of waterbird in any season			
Species	Count and season	Likely Significant Effect	Reason
Shelduck <i>Tadorna tadorna</i>	4,464 individuals – wintering	No LSE	Peak count of 3 on intertidal area adjacent to ALP ² and 5 in fields ¹ . Not a significant proportion of the Humber total.
Golden plover <i>Pluvialis apricaria</i>	30,709 individuals – wintering	No LSE	Up to 617 Golden Plover have been recorded using the application site in winter ² . Mitigation habitat at Halton Marshes wet grassland will continue to be protected by conditions 47 and 48 of PA/2015/1264.
Knot <i>Calidris canutus</i>	28,165 individuals – wintering	No LSE	Species not found in significant numbers on or near the application site ^{1,2}
Dunlin <i>Calidris alpina</i>	22,222 individuals – wintering	No LSE	Peak count of 53 on ALP site ¹ and around 100 on the adjacent intertidal area ² . Not a significant proportion of the Humber total.
Black-tailed godwit <i>Limosa limosa</i>	1,113 individuals – wintering	No LSE	Peak count of 432 on intertidal area adjacent to ALP on one occasion only ² . Otherwise, fewer than 402. Peak count of 29 birds on-site ¹ . Site held >1% of the citation total on 9% of 2008/7/08 counts. Mitigation habitat at Halton Marshes wet grassland will continue to be protected by conditions 47 and 48 of PA/2015/1264.
Bar-tailed godwit <i>Limosa lapponica</i>	2,752 individuals – wintering	No LSE	Species not found on or near the ALP application site ¹

Redshank <i>Tringa totanus</i>	4,632 individuals – wintering	No LSE	Peak counts of around 40 birds on intertidal area adjacent to ALP ² . Peak of 36 in the fields ¹ . Not a significant proportion of the Humber total.
Golden plover <i>Pluvialis apricaria</i>	17,996 individuals – passage	No LSE	Up to 443 Golden Plover have been recorded using the application site during passage ² . Mitigation habitat at Halton Marshes wet grassland will continue to be protected by conditions 47 and 48 of PA/2015/1264.
Knot <i>Calidris canutus</i>	18,500 individuals – passage	No LSE	Species not found in significant numbers on or near the application site ^{1,2}
Dunlin <i>Calidris alpina</i>	20,269 individuals – passage	No LSE	Not recorded as a passage bird on ALP site ¹ . Around 100 on the adjacent intertidal area ² . Not a significant proportion of the Humber total.
Black-tailed godwit <i>Limosa limosa</i>	915 individuals – passage	No LSE	Peak count of 432 on intertidal area adjacent to ALP on one occasion only ² . Otherwise, fewer than 402. Not recorded as a passage bird on ALP site ¹ .
Redshank <i>Tringa totanus</i>	7,462 individuals – passage	No LSE	Peak counts of around 40 birds on intertidal area adjacent to ALP ² . Single figures in the fields during passage ¹ .
Criterion 8: migration path on which fish stocks, either within the wetland or elsewhere, depend:			
River lamprey <i>Lampetra fluviatilis</i>	No LSE	Changing the timing of floodbank bank works in relation to commercial development inland would have no effect on lampreys.	
Sea lamprey <i>Petromyzon marinus</i>	No LSE		

References

1. Able UK 19/08/09 SPA Bird Roosting Field Data Sheet
2. Catley, G. 2007-2009 South Humber Bank Bird Surveys
3. Catley, G. 2007 Winter bird survey of East Halton and Killingholme Marshes and inland fields encompassed by North Lincolnshire Council boundary: January to March 2007:
 - a) Ruff pp35-37

Humber Estuary Citations and Conservation Objectives

European Site Conservation Objectives for Humber Estuary Special Area of Conservation Site Code: UK0030170



With regard to the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- **The extent and distribution of qualifying natural habitats and habitats of qualifying species**
- **The structure and function (including typical species) of qualifying natural habitats**
- **The structure and function of the habitats of qualifying species**
- **The supporting processes on which qualifying natural habitats and habitats of qualifying species rely**
- **The populations of qualifying species, and,**
- **The distribution of qualifying species within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H1110. Sandbanks which are slightly covered by sea water all the time; Subtidal sandbanks

H1130. Estuaries

H1140. Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats

H1150. Coastal lagoons*

H1310. *Salicornia* and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand

H1330. Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)

H2110. Embryonic shifting dunes

H2120. Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"); Shifting dunes with marram

H2130. Fixed dunes with herbaceous vegetation ("grey dunes"); Dune grassland*

H2160. Dunes with *Hippophae rhamnoides*; Dunes with sea-buckthorn

S1095. *Petromyzon marinus*; Sea lamprey

S1099. *Lampetra fluviatilis*; River lamprey

S1364. *Halichoerus grypus*; Grey seal

* denotes a priority natural habitat or species (supporting explanatory text on following page)

This is a European Marine Site

This site is a part of the Humber Estuary European Marine Site. These Conservation Objectives should be used in conjunction with the Conservation Advice document for the EMS. Natural England's formal Conservation Advice for European Marine Sites can be found via [GOV.UK](https://www.gov.uk).

* Priority natural habitats or species

Some of the natural habitats and species for which UK SACs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Habitats Regulations. These priority natural habitats and species are denoted by an asterisk (*) in Annex I and II of the Habitats Directive. The term 'priority' is also used in other contexts, for example with reference to particular habitats or species that are prioritised in UK Biodiversity Action Plans. It is important to note however that these are not necessarily the priority natural habitats or species within the meaning of the Habitats Regulations.

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2017 as amended from time to time (the "Habitats Regulations"). They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment', including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features.

These Conservation Objectives are set for each habitat or species of a [Special Area of Conservation \(SAC\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term 'favourable conservation status' is defined in regulation 3 of the Habitats Regulations.

Publication date: 27 November 2018 (version 3). This document updates and replaces an earlier version dated 31 March 2014 to reflect the consolidation of the Habitats Regulations in 2017.

With regard to the natural habitats and/or species for which the site has been designated (the Qualifying Features listed below);

Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.

Subject to natural change, to maintain or restore:

- The extent and distribution of qualifying natural habitats and habitats of qualifying species;

European Site Conservation Objectives for Humber Estuary Special Protection Area Site Code: UK9006111



With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- **The extent and distribution of the habitats of the qualifying features**
- **The structure and function of the habitats of the qualifying features**
- **The supporting processes on which the habitats of the qualifying features rely**
- **The population of each of the qualifying features, and,**
- **The distribution of the qualifying features within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

- A021 *Botaurus stellaris*; Great bittern (Non-breeding)
- A021 *Botaurus stellaris*; Great bittern (Breeding)
- A048 *Tadorna tadorna*; Common shelduck (Non-breeding)
- A081 *Circus aeruginosus*; Eurasian marsh harrier (Breeding)
- A082 *Circus cyaneus*; Hen harrier (Non-breeding)
- A132 *Recurvirostra avosetta*; Pied avocet (Non-breeding)
- A132 *Recurvirostra avosetta*; Pied avocet (Breeding)
- A140 *Pluvialis apricaria*; European golden plover (Non-breeding)
- A143 *Calidris canutus*; Red knot (Non-breeding)
- A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
- A151 *Philomachus pugnax*; Ruff (Non-breeding)
- A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
- A157 *Limosa lapponica*; Bar-tailed godwit (Non-breeding)
- A162 *Tringa totanus*; Common redshank (Non-breeding)
- A195 *Sterna albifrons*; Little tern (Breeding)
- Waterbird assemblage

This is a European Marine Site

This SPA is a part of the Humber Estuary European Marine Site (EMS). These Conservation Objectives should be used in conjunction with the Conservation Advice document for the EMS. Natural England's formal Conservation Advice for European Marine Sites can be found via [GOV.UK](https://www.gov.uk).

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitats Regulations'). They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment' including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives, and the accompanying Supplementary Advice (where this is available), will also provide a framework to inform the management of the European Site and the prevention of deterioration of habitats and significant disturbance of its qualifying features

These Conservation Objectives are set for each bird feature for a [Special Protection Area \(SPA\)](#).

Where these objectives are being met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving the aims of the Wild Birds Directive.

Publication date: 21 February 2019 (version 4). This document updates and replaces an earlier version dated 30 June 2014 to reflect the consolidation of the Habitats Regulations in 2017.

The Humber Estuary Ramsar site conservation objectives

Criterion 2: Conservation objective for the internationally important wetland, hosting an assemblage of threatened coastal and wetland invertebrates

Subject to natural change, maintain* the wetland hosting an assemblage of threatened coastal and wetland invertebrates in favourable condition, in particular:

- Saltmarsh communities
- Coastal lagoons

Criterion 3: Conservation objective for the internationally important wetland, supporting a breeding colony of grey seals *Halichoerus grypus*

Subject to natural change, maintain* the **wetland hosting a breeding colony of grey seals** in favourable condition, in particular:

- Intertidal mudflats and sandflats

Criterion 5: Conservation objective for the internationally important wetland, regularly supporting 20,000 or more waterfowl

Subject to natural change, maintain* the **wetland regularly supporting 20,000 or more waterfowl** in favourable condition, in particular:

- Intertidal mudflats and sandflats
- Saltmarsh communities
- Tidal reedbeds
- Coastal lagoons

Criterion 6: Conservation objective for the internationally important wetland, regularly supporting 1% or more of the individuals in a population of one species or sub-species of waterfowl

Subject to natural change, maintain* the **wetland regularly supporting 1% or more of the individuals in a population of one species or sub-species of waterfowl** in favourable condition, in particular:

- Intertidal mudflats and sandflats
- Saltmarsh communities
- Tidal reedbeds
- Coastal lagoons

Note: The Ramsar site conservation objectives for **critterion 2 & 3** interest focus on the condition of the habitats that support or host species of international importance. Information on the status of the species in terms of national and international population and distribution trends will be used to inform judgements made with regards to the management and protection of the sites.

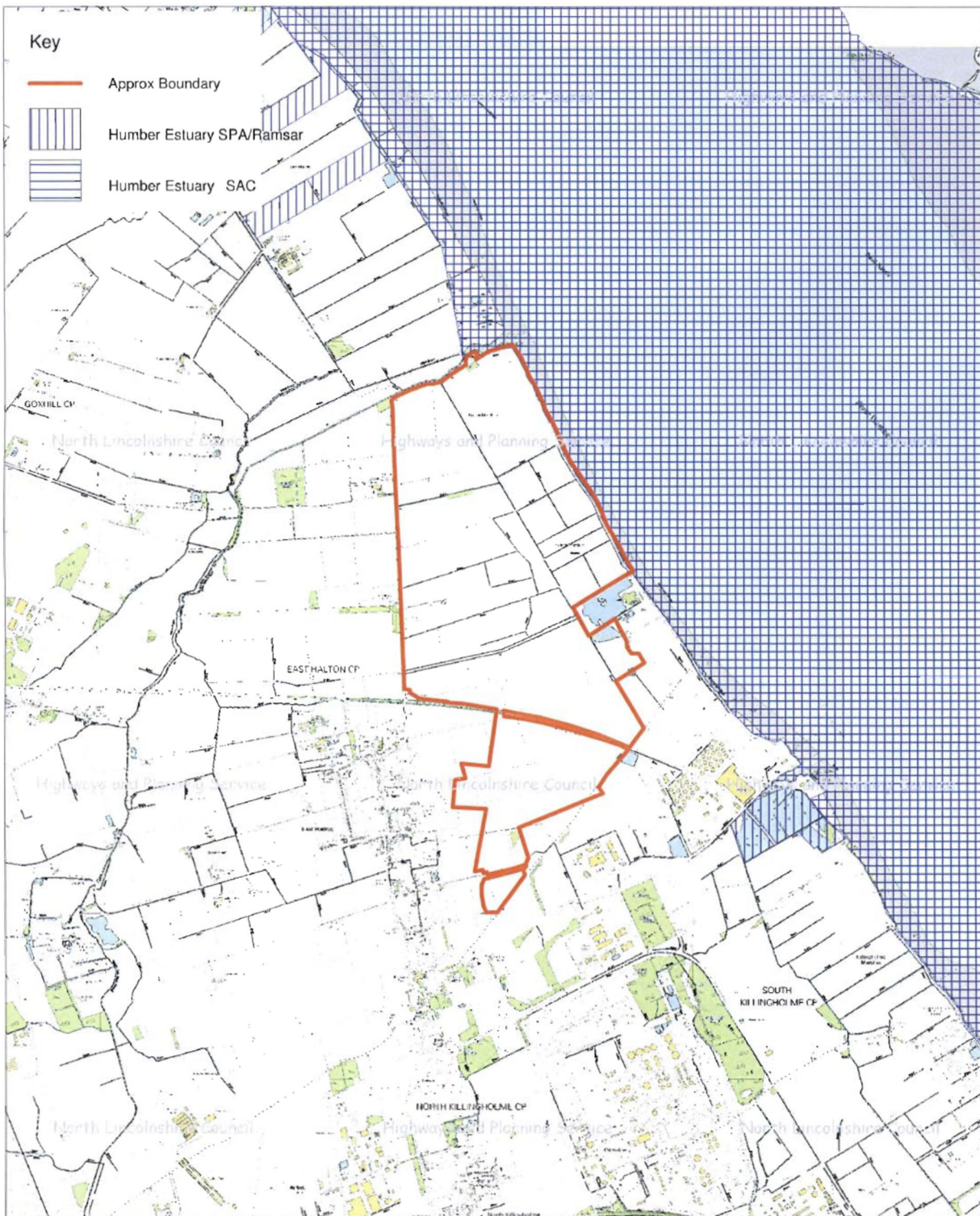
The Ramsar site conservation objectives for **critterion 5 & 6** interest focus on the condition of the habitats that support the bird populations. This is in recognition of changes in bird populations that

may take place as a consequence of national or international trends or events. Annual counts for qualifying species will be used by Natural England in the context of five-year peak means together with other available information on the national and international population and distribution trends to inform judgements regarding the management and protection of the site.

- Maintain implies restoration if the feature is not currently in favourable condition.

Appendices

Appendix 1 - Location of Able Logistics Park (PA/2009/0600) in relation to the International Nature Conservation Site



Drawing Title: 2009.0600 Location

OS Grid Ref: TA14662116

Drawn by: AT

Scale: NOT TO SCALE

Date: 25/01/2010



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Highways and Planning Service

Service Director,
G Popple

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Appendix 2 References

Alab Environmental Services Ltd 2009a Able Humber Ports Facility: Northern Area Environmental Statement (Submitted for PA/2009/0600)

Allen et al. 2003 The Humber Estuary: A comprehensive review of its nature conservation interest. English Nature Research Report 547.

Catley, G. 2007a Winter bird survey of East Halton and Killingholme Marshes and inland fields encompassed by North Lincolnshire Council boundary; January to March 2007 (unpublished report)

Catley, G. 2008a Winter bird survey of East Halton and Killingholme Marshes and inland fields encompassed by North Lincolnshire Council boundary; July 1st to March 31st 2007 – 2008 (unpublished report)

Mott Macdonald 2009 South Humber Bank Zone Final Report: Field Usage by Bird Species from the Humber Estuary SPA

Taylor, A. 2011 Able UK, Land between East Halton Skitter and Chase Hill Road, North Killingholme. Planning permission to erect buildings and use land for purposes within Use Classes A3, C1, B1, B2 and B8 for port related storage and associated service facilities together with amenity landscaping and habitat creation, including flood defences, new railway siding, estate roads, sewage and drainage facilities, floodlighting, waste processing facility, hydrogen pipeline spur and two 20m telecom masts. Appropriate Assessment under the under The Conservation of Habitats and Species Regulations 2010

Appendix 3 – Consultee Responses

Planning application consultation (PA/2025/720)

Date Thu 31/07/2025 16:34

To Planning <Planning@northlincs.gov.uk>

CAUTION: External Email. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Our ref: PA/2025/720

Your ref: 519653

Planning consultation: Planning application to vary condition 21 of PA/2015/1264 dated 01/02/2016 (previous varied by PA/2009/0600 dated 10/06/2013) namely to amend the condition to facilitate construction within the consented area.

Location: Land east of Skitter Road, East Halton, North Lincolnshire.

Dear Jennifer Ashworth

Thank you for your consultation dated 15 July 2025.

Natural England has no comments to make on the variation of condition 21 specifically, and we will respond to future relevant variation of condition and discharge of condition applications, for those under NE's remit, when received.

If this condition relates to protected species, please note the following:

We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced [standing advice](https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals) <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Kind regards,

Claire Rutherford

Higher Officer – National Planning Delivery

Central Casework Team

Natural England, 2nd Floor, Lateral, 8 City Walk, Leeds, LS11 9AT

www.gov.uk/natural-england