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Our ref: 519879
Your ref: MLA/2025/00157



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VIA WEBSITE ONLY

Dear Yvonne,

Consultation: MLA/2025/00157 Falmouth Docks development including dredging, decommissioning and maintenance works.

Location: Falmouth Docks, Cornwall.

Thank you for your consultation dated 18 July 2025. The following constitutes Natural England's formal statutory response.

Natural England is the Government's statutory adviser on the natural environment established under the Natural Environment and Rural Communities Act 2006. Natural England's 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.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS

As submitted, the Application could have potential significant effects on Falmouth Bay to St Austell Bay Special Protection Area (SPA), and the Fal and Helford Special Area of Conservation (SAC).

Natural England requires further information to determine the nature, as well as the spatial and temporal scale, of these impacts and the scope for mitigation to inform a robust updated Habitat Regulations Assessment (HRA). Without this information, Natural England are unable to rule out Adverse Effect on Integrity to the above sites.

Natural England are primarily concerned about the impacts on benthic features of the SAC from redistributed dredged sediment, and disturbance to SPA birds.

Natural England's further advice on designated sites and advice on other issues is set out below and within the Annexes to this letter.

Please re-consult Natural England once the required information has been obtained.

Natural England have engaged extensively with the Applicant throughout the pre-application stage via our Discretionary Advice Service (DAS). We welcome the proactive engagement from the Applicant to date. We are happy to support further engagement with both the Applicant and the MMO to secure positive environmental outcomes.

To inform the advice contained within this letter Natural England have reviewed the following documents:

- Falmouth Docks Development Habitats Regulations Assessment (dated May 2025)
- Falmouth Docks Development Vol 1: Main Environmental Statement (dated February 2025) with our focus on Chapters 6 & 9.

Marine and Coastal Access Act 2009

The works, as set out in the information supplied by the Applicant, are not sited within or near to a Marine Conservation Zone. Natural England have not identified a pathway by which impacts from the development would affect the interest features of the site(s). We are therefore confident that the works will not hinder the conservation objectives of such a site.

Wildlife and Countryside Act 1981 (as amended)

We can confirm that the proposed works are located adjacent to the Lower Fal & Helford Intertidal Site of Special Scientific Interest (SSSI). Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to damage the interest features for which the site has been notified.

The Conservation of Habitats and Species Regulations 2017 (as amended) and The Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)

We can confirm that the proposed works are primarily located within the Falmouth Bay to St Austell Bay Special Protection Area (SPA), and the Fal and Helford Special Area of Conservation (SAC). We confirm that the location of dredge disposal at the licenced disposal site (PL075) is over 2km from the closest boundary (seaward boundary of the SPA).

Assessment of likely significant effect

Natural England's advice is that this proposed development may contain (or require) measures intended to avoid or reduce the likely harmful effects on the SPA and SAC, which cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment (noting the People Over Wind Ruling by the Court of Justice of the European Union).

For this reason, we advise that, on the basis of the information supplied, the application may have a likely significant effect on these sites. The Application requires an Appropriate Assessment in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). We note that assessment for the SPA has not been carried through to the Appropriate Assessment stage and we advise that particular pressures as outlined below are taken forward for further detailed assessment.

Appropriate assessment

Natural England notes that a Habitats Regulations Assessment (HRA) has not been produced by your authority, but the Applicant's HRA is provided within the consultation documents. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. For future consultations where MMO intend to adopt a HRA we ask that you clearly present this within your consultation notice. Wherever possible we further encourage you to work with Local Planning Authorities in adopting the principles of the Coastal Concordat to streamline and ensure consistency across permissions at the coast.

Natural England is a statutory consultee on the Appropriate Assessment stage of the HRA process as guided by Regulation 63(3). The HRA presents an Appropriate Assessment for the SAC. The Appropriate Assessment concludes that the proposal will not result in Adverse Effects on Integrity (AEoI) for the SAC. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, Natural England's advice is that the assessment is not sufficiently rigorous or robust to justify this conclusion and therefore it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the SAC. We advise that your authority should not grant a marine licence at this stage.

We advise that the following additional work on the assessment is required to enable it to be sufficiently rigorous and robust. Without this information, Natural England cannot support the conclusion of no AEoI. Natural England should be re-consulted once this additional work has been undertaken and the appropriate assessment has been revised.

1. HRA process

Natural England advise that the HRA must comprehensively account for all pressures relevant to the features, sub-features, and supporting habitats of the SAC and SPA. Currently, the HRA screens out all pressures pertinent to the SPA from further assessment (including noise, visual disturbance, collision risk, light introduction, and water quality), despite acknowledging their potential to impact the site. To support a robust assessment, Natural England advise that the MMO consult Natural England's Advice on Operations within the relevant conservation advice package for the [Falmouth Bay to St Austell Bay SPA](#). This will ensure that all relevant pressures are scoped and assessed.

Natural England advise that many of these pressures should be carried forward into an Appropriate Assessment for the SPA, where detailed advice on frequency, duration, propagation of impacts, and evidence for the effectiveness of any mitigation measures is considered.

Natural England note that the Environmental Statement (ES) contains a lot of detailed information that is relevant to the HRA, however the evidence has not been referenced or covered adequately within the assessment. We remind you that the HRA is a standalone assessment and therefore encourage the appropriate information within the ES to be incorporated.

2. Baseline data and evidence

Natural England advise that insufficient baseline data is presented and analysed to understand the distribution of, and potential impact to the designated features and relevant supporting habitats of the protected sites.

The assessment for the SPA relies upon a single season of bird survey data for a limited area, failing to encompass the full SPA or any functionally linked areas within the vicinity of the development area. Natural England advise that further information from desk-based data resources should be incorporated where available. We also note that consideration of SPA supporting habitats is currently inadequate. We refer you to the conservation advice package for the [Falmouth Bay to St Austell Bay SPA](#) further information on these. Further, more detailed, advice is provided in Annex 2.

Whilst survey data is presented for the SAC, the overlap between sensitive benthic habitats (live maerl and seagrass habitats) and areas of impact (for secondary impacts) has not been adequately mapped or quantified. Detailed mapping and empirical data are needed to allow assessment of the spatial and temporal effects of relevant activities. Permanent changes to seabed compositions and cumulative effects over the project's duration should be assessed. Modelled data should further be verified and mitigation options evaluated. Incorporating these additional data will help to avoid an over-precautionary assessment of impacts.

3. In combination Assessment

Natural England advise that further information should be provided to evidence the in-combination effects of the proposed works. The HRA states that no other plans or projects interact with the development, however it is not clear what plans and/or projects have been considered, if any.

We offer further detailed advice within Annex 1 (SAC related advice) and Annex 2 (SPA related advice) of this letter following our review of the Applicant's HRA document.

Other Relevant Matters

Maintenance Dredging and Maintenance Dredge Protocol (MDP)

We note that the current Marine Licence Application includes future maintenance dredging as a licensable activity. Should a marine licence for maintenance dredging and/or disposal be required by the

Applicants, then we advise the MMO to consider these activities under a separate licence, therefore being consistent to other port development applications and providing an opportunity to provide a longer term licence (i.e. 10 years). Natural England would welcome clarity from the MMO as to how you will proceed with licensing maintenance activities. It should be recognised that we fully welcome the holistic assessment of maintenance requirements as part of the project's assessments.

We note that this Application will update the requirement for future maintenance dredge campaigns because of the capital dredge. In collaboration with other dredge practitioners in the Fal and Helford Estuaries, Natural England encourage the update of the MDP and particularly after any capital dredge campaign.

Natural England continues to support the production (including reviews) of Maintenance Dredge Protocols (MDP) as industry best practice, providing a foundation for consistent and informed decision making by all competent authorities. The MDP provides a strategic approach to considering the impacts of maintenance dredge activity within a defined port or estuary and can support demonstration of compliance with The Conservation of Habitats and Species Regulations 2017 as amended (The Habitats Regulations). It also negates the need to produce an environmental assessment for individual consent applications, thereby providing efficiencies through the consenting process. This enables a clear baseline and audit trail for compliance with the Habitats Regulations to support dredging activities (and any potential marine licence applications as required) for all statutory harbour authorities in the area.

We appreciate the guidance on MDPs is now largely outdated; however the original information may still be useful outlining roles and responsibilities of parties involved in production and review, the information can be accessed here: [\[ARCHIVED CONTENT\] ARCHIVE: Defra, UK - : Wildlife Protection - EU Birds and Habitats Directives - Maintenance Dredging Protocol for England \(nationalarchives.gov.uk\)](#). Where evidence and data are available Natural England will provide supporting information on the condition of designated sites to help inform the overall impact assessment.

Natural England can provide further advice and guidance to support production and updates of MDPs through our Discretionary Advice Service: [Developers: get environmental advice on your planning proposals - GOV.UK \(www.gov.uk\)](#).

Natural Environment and Rural Communities (NERC) Act, 2006

The consultation documents indicate that this development includes both habitats and species of principal importance, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. Seagrass bed habitat, maerl bed habitat (live and dead) and two species of maerl (*Phymatolithon calcareum* and *Lithothamnion coralloides*) are listed under section S41 therefore the MMO, when implementing their duty under section 40 of the NERC Act (2006) must further the conservation of these habitats and species when carrying out their normal functions.

This Application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The MMO should consider securing measures to further the general biodiversity of these habitats and species from the Applicant, if it is minded to grant permission for this Application.

Fish

Natural England defer to the Environment Agency and CEFAS for matters relevant to spawning and migratory fish within their respective roles and remits. Natural England welcome the inclusion of measures to reduce impacts where required.

Marine Mammals

Cetaceans and seals are known to use the estuary and are highly sensitive to disturbance including from noise. Natural England advise that best practice guidelines should be followed. The Applicant has stated their intention to use marine mammal observers and soft-start procedures for piling. Natural England welcome securing measures to reduce disturbance to marine mammals where required.

Protected Species

We have not assessed this Application and associated documents for impacts on other marine protected

species as listed on Schedule 5 of the Wildlife and Countryside Act (1981 as amended). The onus is on the Applicant to ensure that they are legally compliant with the legislation throughout the duration of the licence. Further details of the species protected through this legislation can be found here: <https://www.gov.uk/government/publications/protected-marine-species>

For any queries relating to the content of this letter please contact me using the details provided below. We invite proactive engagement with both the Applicant and the MMO, building on the engagement to date to support MMO decision making and positive environmental outcomes.

Yours sincerely,

Kate Sugar
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Natural England
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Annex 1 – Natural England detailed advice on the HRA¹ for impacts on the Fal and Helford SAC.
Natural England advise that insufficient information is presented to inform the spatial or temporal impacts of the primary and secondary impacts of dredging and therefore, based on the current assessment, we are unable to support the conclusion of no AEol.

1. Habitat and pressure mapping

Natural England note that in the HRA, only broad habitat models have been presented, without overlay of modelled data for the primary and secondary impacts of dredging. This is particularly lacking for the secondary impacts of dredging (increases in SSC and areas of sediment deposition). While some feature and sub-feature mapping is included at the outset (Figure 5-1, 5-2, 5-3), the resolution is insufficient to support robust numerical assessment of the proposed works' impact on designated features/sub-features and inform HRA conclusions.

To support a robust evidence-based HRA, Natural England advise that the Applicant provides integrated habitat mapping with overlays of modelled impacts. Bathymetric survey data should be interrogated alongside the ground truthing data collected to produce habitat maps for all relevant benthic habitat features/sub-features within the impacted areas. These predictive maps should then be overlaid with modelled impacted zones from which numerical extent data should be derived for those impacts in the context of the site as a whole for:

- A) Primary impacts from material removal within the dredge pocket.
- B) Secondary impacts from sediment plumes.
- C) Secondary impacts from deposition of material.

This overlay is essential to determine the spatial extent of potential impacts and to contextualise them against the sensitivity of features and the temporal scale of these impacts. Without this information, Natural England are unable to fully assess the likelihood of AEol. Inclusion of this evidence would support the adoption of a less precautionary approach.

2. Chronic Suspended Sediment Concentration (SSC) impacts on benthic habitats required

Natural England note that the HRA concludes that increases in SSC will have no AEol based on the assumption that these increases will be "*temporary, localised and of a very low level outside the site boundary*". It is stated that SSC are expected to return to baseline levels "*shortly after*" or "*within a few hours of*" cessation of dredging operations. However, this conclusion does not fully consider the operational context. We note that although dredging is constrained to an adjusted flood tide tidal window, dredging will occur daily for a predicted period of 58 weeks. SSC levels may return to baseline for approximately 4-5 hours per tidal cycle meaning that for the majority of each 12-hour cycle, SSC levels will be elevated. The assessment does not account for the cumulative impact of persistently elevated SSC levels over the full dredge period.

The data represents a chronic, rather than acute, increase in SSC exposure for benthic habitats. Natural England advise that the impact of this prolonged elevation in SSC should be assessed in relation to mapped sensitive benthic features within the impacted areas considering their tolerance thresholds for turbidity and recovery potential. Natural England advise that without this assessment, we would be unable to support conclusions of AEol.

3. Sediment deposition depth and duration

Natural England advise further information is required to assess the impacts of fine sediment deposition on mapped sensitive habitats. In particular, this includes areas identified by the Applicant as "*living maerl overlying dead maerl*", and other relevant biotypes. Maerl habitats are highly sensitive to smothering, with evidence² suggesting that burial under less than 20mm can cause mortality, even if the coverage is temporary.

¹ While we have primarily focused our review on the HRA presented, we have also reviewed the ES and Technical Annexes supplied where relevant.

² Wilson et al 2004 Environmental tolerances of free-living coralline algae (maerl): implications for European marine conservation. Biological Conservation 120 (2004) 283-293

The spatial overlap between predicted fine sediment deposition and maerl habitat types is described but not clearly mapped, limiting the ability to assess the scale and severity of potential impacts. For example, it is noted that fine sediment may be deposited over areas of “*living maerl overlying dead maerl*” adjacent to the Eastern Breakwater, potentially posing a significant risk to habitat integrity which may cause permanent loss. The scale of the potential impact is difficult to assess from the information currently presented in the HRA, which variously refers to deposition depths of 10mm, 20mm, 18.4mm, or up to 50mm in this vicinity. There is a similar lack of clarity around possible sediment deposition over areas of maerl to the north of the site. Predicted levels of deposition should be clearly mapped over the distribution of sensitive maerl habitats.

Furthermore, Natural England advise that detail is absent on the duration of sediment coverage once deposited, and whether sediments will be resuspended or dispersed. Both temporary and permanent changes to benthic habitats should be quantified to support conclusions around AEoI.

4. Sediment deposition impacts on sensitive habitats (contaminants)

Natural England defer to CEFAS as the technical experts for matters around sediment contamination and hence disposal suitability. We advise that the MMO ensure that the potential impacts of contaminated sediment deposition from the capital dredge campaign on sensitive benthic habitats are comprehensively assessed and clearly presented in the HRA. We highlight modelling presented in Technical Appendix 6.3 which indicates that tributyltin (TBT) concentrations may exceed Environmental Quality Standards (EQS) under certain scenarios including at areas adjacent to live maerl habitats such as those east of the Eastern Breakwater. Ecological context should be provided for all impacted areas to understand the potential long-term consequences for habitat quality and function.

5. Mitigation for secondary dredge impacts

The HRA includes two key mitigation measures: the use of a backhoe dredger with 10m³ lidded bucket, and the definition of a specific tidal window (adjusted flood tide) for dredging activity, to reduce sediment loss to the estuary. Two additional mitigation measures are referenced in the ES (Ch06, 6.11.3 and 6.11.4): silt screens and operational monitoring of SSC, however these are not discussed in the HRA. Sediment modelling outputs show increased SSC and sediment deposition still impacting some areas of maerl habitat despite the included mitigation. Natural England welcome the inclusion of additional measures to further minimise impacts to within acceptable limits.

6. Limitations in coastal processes and sediment modelling (ES Chapter 06 and relevant Annexes)

Natural England note that the data used for the wave modelling validation relies on outdated data sets from 1984-85. Natural England would expect hydrodynamic data from the past five-years to validate wave modelling including wave measurements, tidal currents and water levels to ensure that the outputs can be relied upon to inform the assessment of impact. In the absence of existing data, further monitoring may be required.

The period of wave data collection should be representative of a broad range of wave conditions including calm; intermediate and annually significant storm events which are seasonal in nature. Suspended sediment concentration data should be collected throughout the full water column over several tidal cycles which are representative of a range of tidal (neap/spring) and wave conditions. The number and locations of measuring points should be determined by the size of the area likely to be affected. Where possible data should be collected simultaneously to process controls and drivers behind sediment mobilisation events.

Table 6.6 (ES Ch06) shows four offshore wave conditions with the extreme storm conditions only represented by a 1-year return period (RP) from 130°N. Natural England advises that further justification is required to explain the use of a 1 in 1 return period and whether this represents the worst-case scenario rather than using a 1 in 10/1 in 100 RP.

Natural England advise that further information should be provided to support the assumption that using a single large backhoe dredger (as modelled) represents an appropriate ‘worst case’ as it will have a larger footprint than two smaller vessels working concurrently (which might be used in practice). Two

smaller vessels may take longer to accomplish the same dredge volume, and if working side by side may actually increase the area over which sediment is dispersed at one time. This has implications for the quantity and destination of sediment that is being modelled.

Additionally, further information is required to understand the re-dredging process and whether this activity is included in the current assessments. Section 6.9.9 (ES Ch06) reports a predicted fine sediment deposition of over 200mm depth for areas close to the defined dredge pockets at the end of all dredging. This deposition will be re-dredged in order to meet the required dredged level.

The impact of removing sediment on the sediment budget of the Fal Estuary has not been fully addressed within the ES. Further detail of how the sediment pathways may be altered is required and should be related to impacts to the designated features of the SAC and supporting habitats of the SPA. The impact of permanent sediment loss on estuarine dynamics should be detailed. Brooks et al., (2018)³ provides best practice guidance as to the data and analysis required for port developments.

³ Brooks, AJ., Whitehead, PA., Lambkin, DO. 2018. Guidance on Best Practice for Marine and Coastal Physical Processes Baseline Survey and Monitoring Requirements to inform EIA of Major Development Projects. NRW Report No: 243, 119 pp, Natural Resources Wales, Cardiff. [guidance-on-best-practice-for-marine-and-coastal-physical-processes-baseline-survey-and-monitoring-requirements-to-inform-eia-of-major-developement-projects.pdf](#)

Annex 2. Natural England detailed comments on the HRA relating to impacts on the Falmouth Bay to St Austell Bay SPA.

Natural England advise that impacts to the Falmouth Bay to St Austell Bay SPA have been incorrectly screened out of Appropriate Assessment with a conclusion of no Likely Significant Effect. We advise that the SPA is taken through to an Appropriate Assessment, with the inclusion of additional information to inform the spatial and temporal impacts to SPA features from vessels, FLOW (Floating Offshore Wind) devices, and changes to supporting habitats.

1. Visual disturbance

Natural England advise that there is insufficient detail in the project's HRA to understand the likely impacts of visual disturbance from both the construction and operational phases of the project on SPA birds and changes to habitat functionality.

The nature, frequency, and duration of disturbance should be considered in an Appropriate Assessment alongside site specific details and our understanding of the designated features. The proposed development will result in increased vessel movements across the SPA during both construction and operational phases. This includes traffic to and from the disposal site in Falmouth Bay, additional freight vessels, Excellence class cruise ships, and the construction and maintenance of FLOW devices. The assessment should consider seasonality and, spatial or temporal patterns of vessel movements.

Natural England are concerned that these changes will increase visual disturbance and displacement of SPA bird features. Divers and grebes, particularly black throated diver and Slavonian grebe, are known to be highly sensitive to human disturbance and vessel traffic.⁴⁵⁶⁷⁸⁹ Evidence suggests that black throated diver and Slavonian grebe are likely to be more sensitive than great northern diver¹⁰, and buffer zones for disturbance for all three target species in the non-breeding season have been recommended reflecting current knowledge. This includes 1000m for black throated diver, 100-350m for great northern diver and 150-350m for Slavonian grebe.¹¹ This information should be used to inform updates to the Appropriate Assessment.

2. Operational pressures

Natural England advise that operational pressures are not adequately addressed in the current assessment, particularly in light of proposed changes in port use such as the introduction of FLOW devices and larger cruise vessels. These changes introduce novel and potentially significant impacts and we advise the worst-case scenario must be assessed. This is particularly relevant to the assessment of disturbance impacts on SPA features.

The presence of FLOW devices and associated works is novel to the SPA, and its impact on bird populations is unknown. The HRA does not appear to consider a suitable worst-case scenario for this activity, these structures may remain in port for extended periods due to weather or licencing delays, contrary to the assumption of a two-week maximum stay. Given the known aversion of divers to wind

⁴ Jarrett, D., Calladine, J., Cook, A.S.C.P., Upton, A., Williams, J., Williams, S., Wilson, J.M., Wilson, M.W., Woodward, I. & Humphreys E.M. (2022) Behavioural responses of non-breeding waterbirds to marine traffic in the near-shore environment. *Bird Study*, Vol. 68, No. 4, pp. 443-454 <https://doi.org/10.1080/00063657.2022.2113855>

⁵ Fliessbach K.L., Borkenhagen K., Guse N., Markones N., Schwemmer P., Garthe S. (2019) A Ship Traffic Disturbance Vulnerability Index for Northwest European Seabirds as a Tool for Marine Spatial Planning. *Frontiers in Marine Science*, Vol. 6, pp. 192 <https://doi.org/10.3389/fmars.2019.00192>

⁶ Mendel, B., Schwemmer, P., Peschko, V., Müller, S., Schwemmer, G., Mercker, M. & Garthe, S. (2019) Operational offshore wind farms and associated ship traffic cause profound changes in distribution patterns of Loons (*Gavia* spp.). *Journal of Environmental Management*, Vol. 231, pp. 429-438 <https://doi.org/10.1016/j.jenvman.2018.10.053>

⁷ Burger, C., Schubert, A., Heinänen, S., Dorsch, M., Kleinschmidt, B., Żydelis, R., Morkūnas, J., Quillfeldt, P. & Nehls, G. (2019). A novel approach for assessing effects of ship traffic on distributions and movements of seabirds. *Journal of Environmental Management*, Vol. 251, Article 109511 <https://doi.org/10.1016/j.jenvman.2019.109511>

⁸ Schwemmer P., Mendel B., Sonntag N., Dierschke V. and Garthe S., (2011). Effects of ship traffic on seabirds in offshore waters: Implications for marine conservation and spatial planning. *Ecological Applications*, **21**(5); 1851-1860.

⁹ Garthe, S., and Hüppop, O. 2004. Scaling possible adverse effects of marine wind farms on seabirds: developing and applying a vulnerability index. *Journal of Applied Ecology* 41: 724-734.

¹⁰ Jarrett, D., Calladine, J., Cook, A.S.C.P., Upton, A., Williams, J., Williams, S., Wilson, J.M., Wilson, M.W., Woodward, I. & Humphreys E.M. (2022) Behavioural responses of non-breeding waterbirds to marine traffic in the near-shore environment. *Bird Study*, Vol. 68, No. 4, pp. 443-454 <https://doi.org/10.1080/00063657.2022.2113855>

¹¹ Goodship, N.M. and Furness, R.W. (MacArthur Green), (2022). Disturbance Distances Review: An updated literature review of disturbance distances of selected bird species. NatureScot Research Report 1283.

turbines¹² the visual presence and movement of FLOW structures may pose significant disturbance risks. Natural England advise this pathway should be considered in more detail in an Appropriate Assessment.

3. Supporting habitats

Natural England advise that the impact of the proposed works should be assessed on the supporting habitats of the Falmouth Bay to St. Austell Bay SPA in the HRA. This assessment has not been undertaken in Applicant's HRA. Table 5.3 does make reference to "*foraging habitat*", "*intertidal habitat*" and "*water column foraging habitat*" but does not present a systematic consideration of potential impacts, both from proposed works around the Docks and the proposed disposal of dredge arisings to the offshore disposal site, on supporting habitats in the vicinity of the Docks and throughout the wider SPA. Supporting habitats for the SPA are listed online as part of the [Conservation Advice package](#) for the site. Natural England's [Advice on Operations](#) for the relevant pressures and project specific information should be used to determine if pressures will have LSE on the supporting habitats in question, with further assessment at Appropriate Assessment if required. Natural England are concerned by predicted increased SSC levels, and sediment deposition as a result of the capital and subsequent maintenance dredges, potentially impacting the functional provision of SPA supporting habitat.

4. Bird survey data

Natural England note that the assessment to SPA bird features is largely based on the numbers and distribution of birds surveyed over a single season only, and from a limited area from the port facility, a discrete location within the wider designated site. Natural England's best practice advice recommends a minimum of two years of survey effort to assess site use by target bird species. Coordinated counts along the adjacent coastline, combined with focal sampling, would have enabled a more thorough understanding of the bird distribution and movements around the docks and surrounding waters. This includes key areas such as the Penryn River, Percuil River mouth, Carrick Roads, Falmouth Bay, and waters around St Anthony's Head. Without this broader evidence base, it remains unclear whether the proposed works and increased vessel activity could affect bird movements between these sites.

In order to address this uncertainty, and in the absence of additional survey work, Natural England advise that evidence should be supplemented with desk-based information sources to give the fullest picture possible. Data available from contemporaneous local records from Cornwall Birds (CBWPS) have already been incorporated but the assessment is lacking consideration of variation between years, trends, or data from other available sources such as Wetland Bird Survey (WeBS) counts.

Published information provided by digital aerial surveys undertaken in winter 2020/21 by Rogerson *et al.* (2022)¹³ and land-based surveys in winter 2014 by Liley *et al.* (2014)¹⁴ are uncited yet provide an important insight to the baseline. We are aware that the SPA species utilise some areas that were not detected in the Applicant's survey, but where they have been recorded in the past, for example black-throated diver around Castle point and Pendennis point (Liley *et al.* 2014). Counts of black-throated diver by Liley *et al.* (2014) were highest in February and March in contrast to this survey's findings in January.

5. Habituation

The HRA assumes that SPA birds have some level of habituation to existing levels of disturbance (noise and visual disturbance), and that this can be used to infer reduced impact from future disturbance for SPA features. Natural England disagrees with this assumption. Although some great norther diver were found during the survey to be active around the site of the Docks, which might demonstrate some tolerance in these individuals, it is important not to assume that this behaviour is typical or that it indicates habituation will occur in other individuals of this species, or the other target species' populations. No further evidence is presented to support the assumption of habituation. Apparent tolerance to a perceived risk may simply reflect energetic constraints imposed by low food supply or availability rather than habituation,¹⁵ meaning the most vulnerable individuals become least responsive.

¹² Garthe, S., and Hüppop, O. 2004. Scaling possible adverse effects of marine wind farms on seabirds: developing and applying a vulnerability index. *Journal of Applied Ecology* 41: 724-734.

¹³ Rogerson, K., Williams, A.J., & McGovern S. 2022. Surveys of Falmouth Bay to St Austell Bay SPA Winter 2020/21. Natural England Commissioned Reports. Report number 111.

¹⁴ Liley, D., Fearnley, H., Waldon, J. & Jackson, D. (2014). Distribution and Ecology of wintering grebes and divers in the Falmouth-St. Austell pSPA. Unpublished report by Footprint Ecology for Natural England.

¹⁵ Blumstein, D.T. 2016. Habituation and sensitization: new thoughts about old ideas. *Anim. Behav.* 120: 255–262.