

THE YORK POTASH HARBOUR FACILITIES ORDER 201X

Outline Ecological Management Plan



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YORKPOTASH
A Sirius Minerals Project



York Potash Harbour Facilities: Outline Ecological Management Plan

Prepared in accordance with Requirement 9, Schedule
2 of the Draft Development Consent Order

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Table of Contents

1	Introduction	1
2	Method	1
3	Outline Ecological Management Plan	1
3.1	Marine mammals	2
3.2	Bats	2
3.3	Otters	3
3.4	Reptiles	3
3.5	Waterbird populations	4
3.6	Breeding birds	4
4	Summary	5

1 Introduction

This document constitutes an Outline Ecological Management Plan (EMP) which has been produced for the proposed York Potash Limited (YPL) Harbour Facilities scheme. This Outline EMP has been produced to set out the principles of the mitigation (as defined in the Harbour Facilities Environmental Statement (ES) (Document 6.4)) with which the Ecological Management Plans to be submitted pursuant to Requirement 9 in Schedule 2 of The York Potash Harbour Facilities Draft Development Consent Order (Draft DCO) must comply.

The local planning authority (Redcar and Cleveland Borough Council) has the primary responsibility for the approval of this document given that it is the competent authority above the level of mean low water (in consultation with Natural England and, given the overlap in area of jurisdiction, the Marine Management Organisation).

2 Method

This Outline EMP has been informed by the ES (Document 6.4), the Governance Tracker (Document 6.8A) and Relevant Representations received from Natural England, the Environment Agency and the Marine Management Organisation submitted to PINS during June 2015.

3 Outline Ecological Management Plan

This section of the report sets out the measures which have been proposed in order to minimise impacts on European and nationally protected species, namely:

- marine mammals;
- bats;
- otter;
- reptiles;
- waterbird populations; and,
- breeding birds.

It is these measures that the Ecological Management Plans, to be submitted pursuant to Requirement 9 of the Draft DCO, will cover. It should be noted that the ecological enhancements within the lagoon are dealt with separately in the Mitigation and Monitoring Strategy (Appendix 3.1 of the HRA (Document 6.3)).

Specific comments received from Natural England within its Representation to PINS in June 2015 (regarding protected species) are included, where relevant, below. It should be noted that Natural England did not make a specific comment regarding all protected species included within this Outline EMP, however a general comment was made within the Representation that no protected species licences are required.

Details of the measures outlined below must be included in the Ecological Management Plans where applicable to the phase concerned.

3.1 Marine mammals

Section 8 of the ES assesses the impacts of the proposed Harbour Facilities on marine ecology (including marine mammals). The following mitigation measures have been proposed within the ES to minimise impacts to marine mammals:

Construction phase:

- Use of an enclosed grab to dredge the contaminated sediment (thereby minimising resuspension of contaminants into the water column).
- Ensuring the trailing velocity, position of the suction mouth and discharge of the pump (when using a Trailing Suction Hopper Dredger (TSHD)) are optimised with respect to each other.
- Reducing the intake of water during use of the TSHD (thereby reducing or avoiding the need for overflowing and discharge of water containing suspended sediment into the estuary).
- Use of an experienced operator when dredging.
- Limiting the swing of the backhoe over the water during backhoe dredging.
- Avoiding the practice of smoothing the excavated area by dragging the backhoe bucket along the bottom.
- Optimising the cutter speed, swing velocity and suction discharge, shielding the cutter head or suction head and optimising the design of the cutter head when using a Cutter Suction Dredger (CSD).
- Adherence to the Joint Nature Conservation Committee (JNCC) guidelines 'Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise'.
- A minimum of eight hours continuous break in every 24 hour period would be implemented when no impact piling is carried out.
- A spill kit (including booms for potential leaks directly into the marine environment) should be kept on site at all times during construction works, and any major spills or leaks reported to the Environment Agency and Harbour Master.

Operation phase

- A spill kit (including booms for potential leaks directly into the marine environment) should be kept on site at all times during construction works, and any major spills or leaks reported to the Environment Agency and Harbour Master.

Natural England stated within its Representation to the Planning Inspectorate (PINS) during June 2015 that it is satisfied with the proposed mitigation with regard to marine mammals. Natural England also stated that all mitigation should be included (in more detail) within a Marine Mammal Mitigation Plan. The Marine Mammal Mitigation Plan is to be included within the EMP to be submitted pursuant to Requirement 9 of the Draft DCO.

3.2 Bats

Section 10 of the ES assesses the impacts of the proposed Harbour Facilities on terrestrial ecology (including bats, otters, reptiles and breeding birds). The following mitigation / enhancement measures have been proposed within the ES to minimise impacts to bats:

Construction phase:

- Any construction lighting would be located away from the bridges to avoid disturbance to any potential bat roost.
- The lighting requirements for the proposed works would be designed in accordance with guidance from the Bat Conservation Trust.

Operation phase:

- Installation of bat boxes within suitably identified mature trees.
- Planting of species which in turn would provide good quality foraging habitat for bats.

Natural England stated within its Representation to PINS in June 2015 that it is satisfied that no protected species licences to manage impacts to bats are required

3.3 Otters

The following mitigation / enhancement measures have been proposed within the ES to minimise impacts to otters:

Construction phase:

- Any trenches and excavations would be closed overnight and escape routes provided should an animal become trapped.

Operation phase:

- Placement of (clean) material derived from the dredging which forms part of the proposed scheme, as well as maintenance dredging, within Bran Sands lagoon. These measures would include the creation of new shallows and islands which foraging and commuting otters would use.

Natural England stated within its Representation to PINS in June 2015 that it is satisfied that no protected species licences to manage impacts to otters are required

3.4 Reptiles

The following mitigation / enhancement measures have been proposed within the ES to minimise impacts to reptiles:

Construction phase:

- A Precautionary Method of Working document would be prepared by an ecologist and would cover the site works associated with the proposed scheme in order to minimise the risk of harm to reptiles.
- Habitat manipulation would be undertaken comprising vegetation cutting and removal of debris which could provide shelter for reptiles. This would encourage any reptiles present on site to move to adjacent areas.
- Clearance of potential reptile refuges and vegetation cutting would be undertaken outside of the reptile hibernation season (which is generally between October and February) when daytime temperatures are below 10°C.
- All advance habitat manipulation works would be supervised by an ecologist.

Operation phase:

- Provision of additional habitats for reptiles (i.e. through the landscape planting scheme and creation of log piles) and opportunities for basking reptiles (i.e. through the creation of open grassland areas), including small areas of planted scrub on completion of works.

3.5 Waterbird populations

The following mitigation / enhancement measures have been proposed within the ES to minimise impacts to waterbird populations:

Operation phase:

- Parking and office areas immediately adjacent to the quay would be screened (by fencing) during the operational phase to minimise visual disturbance.
- The potential impact of operational phase lighting will be mitigated following the same principles as proposed for the construction phase, namely:
 - a) Artificial lighting would only be used during the hours of darkness or during low levels of natural light.
 - b) Lighting would be directed to focus inwards to the site wherever possible to reduce external glare.
 - c) The luminaires to be mounted on lighting columns would comprise of a flat glass construction, appropriate to the nature and location of the installation. The aiming angle of the peak intensity of the luminaire would be limited to maintain the light output from the luminaire within five degrees from the downward vertical. This would control the lighting of the area and minimise any potential glare, sky glow and obtrusive lighting to the surrounding areas. The luminaires to be mounted on the lighting columns would incorporate the appropriate photometry reflectors to control the distribution of light from the luminaires. The proposed horizontal lighting illuminance levels (minimum and average levels) would comply with the lighting standard and guidance documents relevant to the operations.
 - d) Site traffic, during the hours of darkness, would be subject to a travel plan strategy that limits traffic and, therefore, vehicle lighting during hours of darkness

3.6 Breeding birds

The following mitigation / enhancement measures have been proposed within the ES to minimise impacts to breeding birds:

Construction phase:

- Vegetation clearance would be undertaken in advance of the works to minimise the risk of any harm to nesting birds (should they be present).
- Any vegetation clearance required would be undertaken outside of the breeding bird season (which is typically between March and August, however is weather dependant).
- Should further vegetation clearance be required within the nesting season, surveys for occupied nests (or nests being built) would be carried out prior to any works being undertaken.
- A survey would be undertaken a maximum of 48 hours prior to the commencement of works, to check for occupied nests or those being built, in order to minimise the chance of nest building being undertaken between the survey and the start of works. Any nest in use or being built during the survey would need to be left undamaged until the chicks have fledged and an alternative approach to the works proposed.

Operation phase:

- No specific measures proposed.

Natural England stated within its Representation to PINS in June 2015 that suitable mitigation measures are described in the ES to avoid any impacts to breeding birds.

4 Summary

This outline EMP sets out the principles of the mitigation identified in the ES (Document 6.4) required to manage / reduce potential impacts to European and nationally protected species as a result of the proposed Harbour facilities. These measures will be incorporated within the Ecological Management Plans to be submitted pursuant to Requirement 9 in Schedule 2 of the draft DCO.