

12 October 2012

Your ref: TR030001 / Able - 0016  
Our ref: DC9172

**By email only**

**The Able Marine Energy Park Development Consent Order 2012 - 'Comments on responses to the Examining Authority's second round of written questions'**

Dear Mr Harris,

The MMO has undertaken a review of those responses to the Examining Authority's second round of written questions available on the Planning Inspectorate website.

Several of those responses contain comments which are relevant considerations for the marine area and therefore for the deemed marine licence included at Schedule 8 to the DCO. There is however considerable overlap between those comments the MMO wish to make at this time, comments made by the MMO within our written submissions of following the Specific Issue Hearings of 11 to 13 September, and comments on written submissions made by other parties also in attendance at these hearings.

The MMO has maintained proactive discussions with the Applicant and other Defra agencies (Environment Agency and Natural England) to try and resolve those issues which remain outstanding. In relation to this, the MMO has discussed in detail our submission of 7 September 2012 with the Applicant and as such provides an update on progress in this submission. This document will also be submitted by the Applicant.

The MMO is also aware that the Applicant has committed to the supply of additional supplementary environmental information on 12 October 2012, as indicated within their Signposting Document (dated 24 September 2012) and also in their written submissions from the Specific Issue Hearings of 11 to 13 September. Once the MMO has received and reviewed this information we will provide updated comments to the Examining Authority in due course.

Should you have any questions, please do not hesitate to contact me directly.

Yours sincerely,

**Gregor McNiven**  
**Marine Management Organisation**  
Enc – MMO Annex 2\_120907 (Updated 121012)

## **Annex 2: Updates on progress in relation to the MMO's comments made in the Statement of Common Ground on the Environmental Statement, Final Version dated 27 July 2012**

### **11. Chapters 4 and 28 Description of the Development**

#### **11.4 Activities requiring a Marine Licence**

11.4.2 The MMO considers that the activities licensable under the 2009 Act are close to being agreed. However, outstanding issues include:

- Coordinates for the location of all of the works activities need to be provided and agreed.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding inclusion of all necessary coordinates and plans for works areas in Schedule 8 of the DCO.

**Able 9-10-12:** To be included in the final draft DCO

- Confirmation of the maximum quantity of capital dredged material to be disposed of to sea or to be incorporated into the works must be provided so that the DML properly reflects the proposals.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding inclusion of all necessary quantities in Schedule 8 of the DCO.

**Able 9.10.12:** To be included in the final draft DCO. The Dredging Strategy has been revised and re-issued as Report EX7.8.

- Clarification on how the backfilling of the berthing pocket will be undertaken is required, in particular, the phrase "following or during".

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding drafting of the DCO.

**Able 9.10.12:** It is possible that the dredging and backfilling activities run in parallel given the length of the quay, hence the wording should be retained.

- Additional information on the dredge and disposal elements of the project are required, including, final locations volumes and methods.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding inclusion of all necessary quantities in Schedule 8 of the DCO.

**Able 9.10.12:** Refer to Report EX8.7A

- The MMO will not agree to "approximations" of dredged material, only maximum.

**MMO 07-09-12:** Applicant has amended quantities to maximums only. Issue closed.

**Able 9.10.12:** No action required.

- Clarification is sought as to what the Applicant intends to do with regards to the EON and Centrica outfalls. The MMO understands that either the outfalls will be re-located or they will require dredging; the deemed marine licence must accurately reflect the works to take place.

**MMO 07-09-12:** Further discussions with the Applicant have been undertaken. The MMO awaits clarification from the Applicant in relation to meetings they have arranged with the owners of the outfalls. The MMO is currently investigating the implications of licensing both options (i.e. dredge and relocation), however it is stressed that this is not the MMO's preferred option.

**Able 9.10.12:** DML is to include for plough dredging of the areas adjacent to the outfall pipes.

11.4.3 The MMO has commented in relevant representations, written representations and at the issue specific hearing on the DCO, that there are outstanding questions with regards to whether an adequate assessment of the works has been undertaken through the EIA process. These comments are not repeated here but remain relevant. Agreement on the licensable activities and drafting of the deemed marine licence will not be possible if the activities licensed thereunder have not been properly assessed. Further comments are provided in the relevant chapters of this SoCG where appropriate.

**MMO 07-09-12:** No further comment at this time.

**Able 9.10.12:** Signposting document issued to cover licensable activities.

## **12. Chapter 7 Geology, hydrogeology and ground conditions (including Annexes 7.1 to 7.6)**

### **12.5 Disposal of Capital Dredge material and Compliance with the Waste Framework Directive**

12.5.5 The MMO is not yet satisfied that an adequate assessment of capital dredging and disposal of capital dredged material has been undertaken. Outstanding issues include:

- Calculation of disposal site capacity. The MMO is not yet satisfied that an adequate assessment of disposal site capacity has been undertaken and has requested further information from the Applicant on this matter. This must include how the Applicant has undertaken an incombination assessment with other licences and applications that are either permitted to or seek to dispose of to these sites. A worst case scenario must be considered. Without this clarification, the MMO is not in a position to agree to the disposal of capital dredged material as detailed in Table 12.2.

**MMO 07-09-12:** Further information has been received from the Applicant on 23-08-12 and 06-09-12. The MMO is currently considering whether this information adequately addresses our concerns.

**Able 9.10.12:** Refer to report EX8.7A

- The MMO is not in a position to agree to the bed level to be maintained until calculations for disposal site capacity have been provided. █

**MMO 07-09-12:** As comment above.

**Able 9.10.12:** Refer to report EX8.7A.

- Gravel is not permitted to be disposed of to HU080.

**MMO 07-09-12:** The Applicant provided a further Technical Note on this issue on 05-09-12. The MMO is currently considering whether this information adequately addresses our concerns.

**Able 9.10.12:** Refer to supplementary Report EX10.8.

- Confirmation of the maximum quantity of capital dredged material to be disposed of to sea or to be incorporated into the works must be provided so that the DML properly reflects the proposals.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding inclusion of all necessary quantities in Schedule 8 of the DCO

**Able 9.10.12:** To be included in the final draft DCO.

- With regard to paragraph 12.5.3, the information provided by the Applicant in the ES was not adequate to assess contamination of dredged materials at Cherry Cobb Sands. Further comments are provided in Chapter 31.

**MMO 07-09-12:** This issue is now closed.

**Able 9.10.12:** No action required.

- Correct coordinates for each site have not yet been provided for the pumping station channel. As such, the MMO has not had the opportunity to determine whether an adequate assessment of contamination has been made for this site.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding inclusion of all necessary coordinates and plans for works areas in Schedule 8 of the DCO.

**Able 9.10.12:** The Applicant has now provided co-ordinates for the pumping station channel

12.5.6 The Applicant will need to submit reports twice yearly in order to comply with the Ospar Convention. This will be made a condition of the deemed marine licence at Schedule 8.

- A number of additional conditions will be required for the deemed marine licence which are yet to be agreed with the Applicant.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding the licence conditions to be included in Schedule 8 of the DCO.

**Able 9.10.12:** MMO to draft appropriate conditions.

- Methodologies also need to be supplied.

**MMO 07-09-12:** as comment above.

**Able 9.10.12:** MMO to draft appropriate conditions.

## 12.6 Maintenance Dredging of the AMEP Development and Disposal

12.6.6 Additional information on the calculation of disposal of dredged material has been provided in EX8.6 The MMO has not had sufficient time to review these documents and provides no comments here on the values provided in Table 12.3 with regards to disposal of maintenance dredged material. Previous comments made in relevant and written representations remain relevant. **MMO 07-09-12:** Further information has been received from the Applicant on 23-08-12 and 06-09-12. The MMO is currently considering whether this information adequately addresses our concerns.

**Able 9.10.12:** Applicant awaiting MMOs comments.

12.6.7 With regards to compliance with the Ospar Convention, the sampling reported in the ES and referred to above relates to capital dredged material. Additional sampling and contamination analysis is likely to be required for maintenance dredged activities and will be made a condition of the deemed marine licence.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding the licence conditions to be included in Schedule 8 of the DCO.

**Able 9.10.12:** MMO to provide draft conditions.

12.6.8 Coordinates for some of the dredged locations are yet to be agreed. These need to be agreed in order for the MMO to be capable of undertaking a thorough assessment of the dredge and disposal activities.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding inclusion of all necessary coordinates and plans for works areas in Schedule 8 of the DCO.

**Able 9.10.12:** To be included in the final draft DCO.

12.6.9 The MMO requests that the applicant clarify whether the EON and Centrica outfalls will be re-located or managed through dredging.

**MMO 07-09-12:** Further discussions with the Applicant have been undertaken. The MMO awaits clarification from the Applicant in relation to meetings they have arranged with the owners of the outfalls. The MMO is currently investigating the implications of licensing both options (i.e. dredge and relocation), however it is stressed that this is not the MMO's preferred option.

**Able 9.10.12:** Managed through dredging.

12.6.10 The applicant will need to submit reports twice yearly in order to comply with the Ospar Convention. This will be made a condition of the deemed marine licence at Schedule 8.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding the licence conditions to be included in Schedule 8 of the DCO.

**Able 9.10.12:** MMO to provide draft conditions.

12.6.11 Additional conditions for the deemed marine licence will be required and are yet to be agreed.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding the licence conditions to be included in Schedule 8 of the DCO.

**Able 9.10.12:** MMO to provide draft conditions.

12.6.12 Methodologies also need to be supplied.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding the licence conditions to be included in Schedule 8 of the DCO.

**Able 9.10.12:** MMO to provide draft conditions.

## **12.7 Compliance with the OSPAR Convention**

12.7.7 With regards to compliance with the Oskar Convention, the sampling reported in the ES and referred to above relates to capital dredged material. Additional sampling and contamination analysis is likely to be required for maintenance dredged activities and will be made a condition of the deemed marine licence.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding the licence conditions to be included in Schedule 8 of the DCO.

**Able 9.10.12:** MMO to provide draft conditions.

12.7.8 Coordinates for some of the dredged locations are yet to be agreed. These need to be agreed in order for the MMO to be capable of undertaking a thorough assessment of the dredge and disposal activities.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding inclusion of all necessary coordinates and plans for works areas in Schedule 8 of the DCO.

**Able 9.10.12:** To be included in the final draft DCO.

12.7.9 The applicant will need to submit reports twice yearly in order to comply with the Oskar Convention. This will be made a condition of the deemed marine licence at Schedule 8.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding the licence conditions to be included in Schedule 8 of the DCO.

**Able 9.10.12:** MMO to provide draft conditions.

12.7.10 Additional conditions for the deemed marine licence will be required and are yet to be agreed.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding the licence conditions to be included in Schedule 8 of the DCO.

**Able 9.10.12:** MMO to provide draft conditions.

**13. Chapter 8 Hydrodynamic and Sedimentary Regime (including Annexes 8.1 to 8.4)**

**13.3 Modelling including methods used and input parameters**

13.3.4 The MMO agrees that the modelling undertaken, including the methods used and input parameters are appropriate to assess the Project. However, the MMO will expect the applicant to comment on the significance that any design changes to the compensation site design may have on the assessment undertaken. Further comments on this are made in Section 24 of this SoCG.

**MMO 07-09-12:** No further comment to those already made.

Able 9.10.12: Refer to Report EX28.3

**13.4 Change in estuary processes**

13.4.7 The MMO has some outstanding questions with regards to maintenance dredging. See comments in Section 12 of the SoCG for further detail.

**MMO 07-09-12:** as comments for Section 12 above.

Able 9.10.12: Applicant awaiting MMO comments.

**13.5 Disposal at HU082**

13.5.5 The MMO has some outstanding questions with regards to capital dredging. See comments in Section 12 of the SOCG for further detail.

**MMO 07-09-12:** as comments for Section 12 above.

Able 9.10.12: Refer to Report EX8.7A

**13.6 Monitoring**

13.6.2 The MMO agrees that monitoring is required but the period and specification of that monitoring have yet to be discussed and agreed with the applicant.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding the licence conditions to be included in Schedule 8 of the DCO, which will include the provision of EMMPs.

Able 9.10.12: MMO/Applicant to agree draft conditions.

**14. Chapter 9 Water and sediment quality (including Annexes 9.1 to 9.6)**

**14.4 Change in thermal plume at CW outfalls**

14.4.4 The MMO is still considering the additional information contained in the supplementary report EX9.7 and is not in a position to provide comments at this stage. Previous comments made in the MMOs relevant and written representations remain valid. Comments made in Sections 11 and 12 of this SoCG regarding the EON and Centrica outfalls are also relevant here.

**MMO 07-09-12:** The Applicant has confirmed that the Centrica outfall would not be moved in isolation. Other scenarios are fully assessed in EX9.7. Issue closed.

Able 9.10.12: No action required.

## **14.6 Compliance with Water Framework Directive**

14.6.5 Compliance with the WFD is an integral requirement for licensing under the MCAA. The deemed marine licence at Schedule 8 of the DCO may be the appropriate mechanism for any mitigation required to be secured. The MMO has not had sufficient time to review the additional material provided in EX8.12 and as such are not in a position to comment at this stage.

**MMO 07-09-12:** The Applicant's report requires updating to reflect comments made by the Environment Agency (e.g. the report should have used the EA's „Clearing the Waters“ Guidance for assessment of dredging activities). Final MMO sign off will not be possible until the Environment Agency's concerns have been addressed.

**Able 9.10.12:** Refer to Report EX8.12A.

## **15. Chapter 10 Aquatic ecology (including Annexes 10.1 to 10.3)**

### **15.5 Migratory salmonid fish**

15.5.7 No agreement has yet been reached with the applicant with regards to impacts or mitigation for the impact of piling on migratory salmonids. Previous comments made in the MMOs relevant and written representations remain valid but are not repeated here. Any mitigation would need to be secured through the deemed marine licence at Schedule 8 of the DCO.

**MMO 07-09-12:** Licence conditions to be included in Schedule 8 of the DCO in relation to piling activities have been agreed and accepted by the Applicant. It may however be necessary to secure an additional package of compensatory measures to mitigate for residual impacts upon migratory salmonid species – discussions ongoing between Applicant and EA.

**Able 9.10.12:** Mitigation has been agreed. Agreed conditions will be included in the draft DCO. Able are liaising with EA on compensatory measures.

### **15.7 River and sea lamprey**

15.7.4 The MMO agrees in principal that any mitigation agreed for Atlantic salmon may also be sufficient to mitigate for any impacts on lamprey, however, this will need to be assessed once the mitigation for salmon is agreed.

**MMO 07-09-12:** Piling conditions have now been agreed with and accepted by the Applicant. The DCO and DML are to be updated accordingly. Issue closed.

**Able 9.10.12:** Mitigation agreed.

### **15.8 Direct and indirect impacts upon intertidal and subtidal habitats**

15.8.1 The MMO has not had sufficient time to review EX11.23 and EX11.24 and so are not in a position to provide further comments at this stage. Previous comments made in the MMOs relevant and written representations remain relevant. The MMO will expect the Applicant to comment on the significance that any changes may have on the assessment undertaken. Further comments on this are made in Section 24 of this SOCG.

**MMO 07-09-12:** The quantum of habitats affected by AMEP as reported in Reports EX11.23 and 11.24 has been superseded by the figures presented in the shadow HRA Statement of Common Ground (27/08/12).



Able 9.10.12: Figures in sHRA Statement of Common Ground are agreed.

## **15.9 Rockfill within the berthing pocket**

15.9.5 The MMO has not had sufficient time to review EX10.6 and so are not in a position to provide further comments at this stage. Previous comments made in the MMOs relevant and written representations remain relevant.

**MMO 07-09-12:** The MMO is still reviewing the document.

Able 9.10.12: During telecon on 21.9.12 it was agreed that the berthing pocket would be backfilled with stone to -11.5m CD and maintained to -11m CD to ensure the bed was always a silty material. This will form a condition of the draft DCO/DML.

## **16. Chapter 11 Terrestrial ecology and birds (including Annexes 11.1 to 11.13)**

### **16.8 Direct loss of terrestrial feeding and roosting areas for SPA birds**

16.8.6 The conservation of protected species and the application of the Habitats and Birds Directives are integral requirements for licensing under the MCAA. The deemed marine licence at Schedule 8 of the DCO may be the appropriate mechanism for some of the mitigation for the impacts on breeding birds to be secured. The MMO is in ongoing discussions with Natural England and the Applicant with regards to this but agreement is yet to be reached.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding the licence conditions to be included in Schedule 8 of the DCO.

Able 9.10.12: Further discussions to be held between Natural England, MMO and Applicant regarding possible conditions to be included in the DML.

### **16.9 Loss of intertidal feeding and roosting areas for SPA birds**

16.9.10 The conservation of protected species and the application of the Habitats and Birds Directives are integral requirements for licensing under the MCAA. The deemed marine licence at Schedule 8 of the DCO may be the appropriate mechanism for some of the mitigation for the impacts on SPA birds to be secured. The MMO is in ongoing discussions with Natural England and the Applicant with regards to this but agreement is yet to be reached.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding the licence conditions to be included in Schedule 8 of the DCO.

Able 9.10.12: Further discussions to be held between Natural England, MMO and Applicant regarding possible conditions to be included in the DML.

### **16.10 Disturbance to SPA birds caused by percussive piling noise**

16.10.8 The conservation of protected species and the application of the Habitats and Birds Directives are integral requirements for licensing under the MCAA. The deemed marine licence at Schedule 8 of the DCO may be the appropriate mechanism for some of the mitigation for the impacts on SPA birds to be secured. The MMO is in ongoing discussions with Natural England and the Applicant with regards to this but agreement is yet to be reached.

**MMO 07-09-12:** Discussions are ongoing with the Applicant regarding the licence conditions to be included in Schedule 8 of the DCO.

Able 9.10.12: Piling restrictions agreed and will be included in the draft DML.

## **24. Chapter 28 Description of the compensation site**

### **24.1 General**

24.1.2 The comments made in this SOCG on Volume 2 of the ES must be considered in the knowledge that the compensation site is currently subject to ongoing design. The three Agencies will expect the Applicant to comment on the significance that any changes to the design of the compensation site may have on the assessment undertaken in the ES and supplementary reports once a final design for the compensation site is agreed.

**MMO 07-09-12:** The MMO is currently considering the updated compensation site design report as submitted by the Applicant in their 03-08-12 submission („Cherry Cobb Sands Compensation Site: 2<sup>nd</sup> Interim Report on detailed modelling, August 2012“).

Able 9.10.12: Refer to Report EX28.3.

## **27. Chapter 31 Geology and ground conditions (including Annexes 31.1 to 31.4)**

### **27.3 Ground contamination within the development site**

27.3.6 The MMO requested that sampling and analysis was undertaken across the compensation site to ensure that, once the breach was made, there was no significant risk of pollution of the marine environment.

27.3.7 Whilst the Applicant has undertaken some sampling and analysis, a number of outstanding issues remain:

- Some of the methodologies used are not comparable to those the MMO use and so direct comparisons cannot be made;
- The elevated DDT levels are a cause for concern. The MMO require further information on what the material at this location will be used for. Further sampling and analysis may be required to clarify the extent of this contamination.
- Analysis for Dieldrin are required and have not been provided;
- We are not yet satisfied that adequate sampling (e.g. at depth) has been undertaken.

27.3.8 The MMO will require these issues to be resolved prior to any breach of the compensation site. Since the compensation site is currently subject to ongoing design, the MMO will assess further contamination analysis requirements once the design has been finalised and advise the Applicant of additional sampling and analysis requirements. This information could be supplied in a remediation strategy, which would need to be a requirement of the deemed marine licence at Schedule 8 of the DCO. At present, the MMO would not agree to the site being breached.

**MMO 07-09-12:** The MMO is content that any Requirements regarding contaminated land, as provided by the Environment Agency, will be sufficient to adequately address any concerns in relation to contamination currently present on

site, and its treatment/removal prior to breaching and hence the area becoming part of the tidal marine environment. Issue closed.

**Able 9.10.12: No action required.**

## **28. Chapter 32 Hydrodynamic and sedimentary regime (including Annexes 32.1 to 32.6)**

### **28.5 Impacts on estuary wide processes**

**MMO 07-09-12:** No comment was provided by the MMO in Section 28.5 the ES SOCG, though a cross was indicated in Table 28.1 with regards to "Impacts on estuary wide processes". The MMO is still considering the additional information as supplied by the applicant in their submission to PINS on 3<sup>rd</sup> August 2012 (including the report "Cherry Cobb Sands Compensation Site: 2<sup>nd</sup> Interim Report on detailed modelling, August 2012", which superseded earlier versions.

**Able 9.10.12: The second interim design report is superseded. Refer to EX28.3.**

## **29. Chapter 33 Water and sediment quality**

### **29.3 Water Framework Directive Compliance**

**MMO 07-09-12:** As comments at paragraph 14.6.5.

**Able 9.10.12: Refer to Report EX8.12A.**

## **35. Chapter 44 In-combination impacts**

### **35.1 General**

35.1.12 The MMO has not had sufficient time to review EX44.1. Some comments on in-combination assessment are included in Section 12 with regards to dredge and disposal but are not repeated here.

**MMO 07-09-12:** The MMO is still considering this report. Dialogue is ongoing between the Applicant, MMO, Environment Agency and Natural England.

**Able 9.10.12: The proposals for compensation have now changed since the report was issued in June 2012 and the impact of this is considered in EX28.3:Part 6**

### **Q. 69: To what extent does it address the issues raised in your Relevant Representations or Written Representations on the potential impacts on European Sites?**

The joint Statement of Common Ground (SOCG) for the shadow HRA, submitted to PINS on Friday 27<sup>th</sup> August 2012, addresses outstanding concerns in relation to our role as appropriate authority with regards to the enforcement of the DML. As outlined in the SOCG, the MMO is not the Competent Authority with regards to the Habitats Regulations under the DCO process. Therefore, the MMO remains as an interested party in this process.

As outlined in paragraphs 3.8.6 and 4.2.2 of the sHRA SOCG, the effects of capital and maintenance dredging and disposal on sub-tidal habitat and benthic communities are subject to ongoing discussions between the Applicant and the MMO, NE and EA.

As outlined in paragraph 5.1.6 of the sHRA SOCG, *'the MMO is satisfied with the compensation measures required, as outlined in Table 5.1 [of the sHRA*

*SOCG], developed by AHPL in discussion with NE in their role as Statutory nature Conservation Body and that an appropriate EMMP will be incorporated within the DML to require monitoring of the effects of the scheme, and to allow for remedial actions to be taken to ensure the requirements of the Habitats Regulations are fulfilled'.*

**Q. 68: MMO position on Additional Information submitted by Applicant to Planning Inspectorate on 29 June 2012**

Ref.	Report Title	Author	MMO position (7 <sup>th</sup> September 2012)	Able 9.10.12:
<b>FILE 17</b>				
	Compensation Agreement for Immingham Outer Harbour and Hull Quay 2005	©Natural England	N/A	
EX3.1	Able Humber Port: Northern Area Planning Committee Report February 2012	North Lincolnshire Council	N/A	
EX7.7	Materials Management Plan (Commentary and Form)	Shadbolt Environmental	This document requires updating to recognise the presence of contamination at the Cherry Cobb Sands Site compensation site.  See Items 8.21 to 8.24 in Annex 1, Table 54.1 for comments related to management of contaminated materials.	EX7.7 addresses the beneficial use of glacial clay dredged from the berthing pocket.  Contamination at Cherry Cobb Sands is not relevant to this report. The final SI Factual Report for Cherry Cobb Sands (EX31.5A) is issued with this report.
EX8.5	Validation of 3D Flow & Sediment Models used for Assessment of Impacts of AMEP on Fine Sediment Transport	HR Wallingford	Final MMO sign off is dependent upon the production of a „Signposting“ document from Applicant (see Items 7.30 to 7.34 in Annex 1, Table 54.1).	Signposting document issued 24.9.12
EX8.6	Able Marine Energy Park Assessment of Maintenance Dredging Requirements. Technical Note DDR4808-04	HR Wallingford	Final MMO sign off is dependent upon the production of a „Signposting“ document from Applicant (see Items 7.30 to 7.34 in Annex 1, Table 54.1).	Signposting document issued 24.9.12
EX8.7	AMEP Supplementary Report – Modelling of Final Quay Design (Supplement to Annex 8.1 of the ES)	JBA Consulting	Final MMO sign off is dependent upon the production of a „Signposting“ document from Applicant (see Items 7.30 to 7.34 in Annex 1, Table 54.1).	Report superseded by EX8.7A.

Ref.	Report Title	Author	MMO position (7 <sup>th</sup> September 2012)	Able 9.10.12:
EX8.8	Able Marine Energy Park Update to Longer Term Morphology Predictions in the Region of the Centrica and E.ON intakes and outfalls. Technical Note DHR4808-01	HR Wallingford	Final MMO sign off is dependent upon the production of a „Signposting“ document from Applicant (see Items 7.30 to 7.34 in Annex 1, Table 54.1).	Signposting document issued 24.9.12
EX8.9	Able Marine Energy Park Assessment of Changes to Morphology (particularly intertidal) between the Humber International Terminal (HIT) and Humber Sea Terminal (HST). Technical Note DDR4808-03	HR Wallingford	Final MMO sign off is dependent upon the production of a „Signposting“ document from Applicant (see Items 7.30 to 7.34 in Annex 1, Table 54.1).	Signposting document issued 24.9.12
EX8.10	Able Marine Energy Park 3D Mud Modelling. Morphological Assessment of Changes South-east of Development. Technical Note DDR4808-02	HR Wallingford	Final MMO sign off is dependent upon the production of a „Signposting“ document from Applicant (see Items 7.30 to 7.34 in Annex 1, Table 54.1).	Signposting document issued 24.9.12
EX8.11	Able MEP Habitat Compensation Scheme. Water Framework Directive Assessment. Technical Note DHM6835-01 R1	HR Wallingford	Superseded by Applicants further submission EX8.12.	Agreed.
EX8.12	Able Marine Energy Park and Habitat Compensation Scheme Water Framework Directive Assessment. Technical Note DHM6835-02	HR Wallingford	Report requires updating to reflect Environment Agency comments (e.g. the report should have used the EA's „Clearing the Waters“ Guidance for assessment of dredging activities).  Final MMO sign off will not be possible until the Environment Agency's concerns have been addressed.	Report superseded by EX8.12A.

Ref.	Report Title	Author	MMO position (7 <sup>th</sup> September 2012)	Able 9.10.12:
EX8.13	Record of Appropriate Assessment (Under Regulation 61 the Conservation of Habitats and Species Regulations 2010 (The "Habitat Regulations") (SI NO. 2010/490).  Immingham Oil Terminal Approach Channel Dredge, Humber Estuary.	MMO	N/A	N/A
EX9.7	Able Marine Energy Park Assessment of the Effects of Relocations of the E.ON and Centrica outfalls on Thermal Recirculation (EX 6803 R1)	HR Wallingford	Although report EX9.7 does not assess the scenario of moving the Centrica outfall alone, the Applicant has indicated in meetings that this would not happen in isolation.  Accepted	
EX10.4	Impact of Dredging and Dredged Material Disposal on 1) Subtidal and Intertidal Features and 2) Aquatic Ecology	ERM	The report is lacking in provision of an auditable methodology of significance.  Dialogue ongoing with Applicant.	
EX10.5	Supporting Information on Harbour Porpoises in the Humber Estuary	ERM	The report is lacking in provision of an auditable methodology of significance.  Dialogue ongoing with Applicant.	This issue was effectively closed out in the SoCG on the ES. See para 15.4.6.

Ref.	Report Title	Author	MMO position (7 <sup>th</sup> September 2012)	Able 9.10.12:
EX10.6	Impact of Berthing Pocket Construction	Able UK Ltd	The report is lacking in provision of an auditable methodology of significance.  Dialogue ongoing with Applicant.	Agreed that backfilling would be limited to -11.5 mCD but pocket maintained to -11 mCD to maintain a silty bed. DML to be drafted accordingly.
EX10.7	Effects of Soft Start	ERM	Accepted	
EX11.14	Biotopes of the Intertidal and Subtidal Sediments around the AMEP site in the Humber Estuary	IECS	Accepted	
EX11.16	Able Marine Energy Park Assessment Update for Breeding Birds	Dr. S Percival	N/A	
EX11.17	AMEP Vascular Plant Surveys	ERM	N/A	
EX11.18	Sensitive Time Periods for Birds at AMEP Compensation Site	ERM	N/A	
EX11.19	AMEP Bat Surveys: Supplementary Note	ERM	N/A	
EX11.20	Draft Great Crested Newts Licence Application – Acknowledgement of Receipt & Natural England Correspondence	Able UK Ltd	N/A	
EX11.22	Impact of the SPMTs and the Cranes on the Operational Buffer, and Operational Noise Effects on Birds at North Killingholme Haven Pits	ERM	N/A	
EX11.23	Immediate Habitat Losses within the Designated Site	Able UK Ltd	Superseded by HRA SOCG (24-08-12).	



<b>Ref.</b>	<b>Report Title</b>	<b>Author</b>	<b>MMO position (7<sup>th</sup> September 2012)</b>	<b>Able 9.10.12:</b>
EX11.24	Medium and Long Term Quantum of Habitat Loss	Able UK Ltd	Superseded by HRA SOCG (24-08-12).	
<b>FILE 18</b>				
EX11.26	Impact of the Pumping Station	ERM	Superseded by HRA SOCG (24-08-12).	
EX11.27	Phase 2 Survey	Just Ecology	N/A	
EX11.28	Great Crested Newt Survey	Just Ecology	N/A	
EX11.29	Water Vole Survey	Just Ecology	N/A	
EX11.30	Able Marine Energy Park (AMEP) – Location of Replacement Ponds for Great Crested Newts	ERM	N/A	
EX11.31	M456 Invertebrate Survey	A. Godfrey	N/A	
EX13.2	Addendum to Flood Risk Assessment	JBA Consulting	N/A	
EX14.4	Navigation Simulation Study, March 2012	Able UK Ltd & South Tyneside College	Accepted	
EX15.3	A160 Killingholme Humber Port Access, Stage 1 Road Safety Audit	AECOM	N/A	
EX15.4	A160 Killingholme Humber Port Access, Stage 1 Road Safety Audit Designer's Response	AECOM	N/A	
EX15.5	Able Marine Energy Park Stage 1 Road Safety Audit	JMP	N/A	
EX19.1	Lighting Lux Plans	Able UK Ltd	N/A	

<b>Ref.</b>	<b>Report Title</b>	<b>Author</b>	<b>MMO position (7<sup>th</sup> September 2012)</b>	<b>Able 9.10.12:</b>
EX20.3	Additional Landscape Masterplan	ERM	N/A	
EX28.1	Cherry Cobb Sands Compensation Site Interim Report on Detailed Modelling	Black & Veatch	Report superseded by Applicants further submission on 3 <sup>rd</sup> August 2012 („Cherry Cobb Sands Compensation Site: 2 <sup>nd</sup> Interim Report on detailed modelling, August 2012“).	
EX28.2	Old Little Humber Farm: Wet Grassland Creation, Management and Monitoring Plan	Thomson Ecology	N/A	
EX31.5	Cherry Cobb Sands Phase 2 Site Investigation (Draft)	Delta Simons Environmental	Accepted. However see Items 8.21 to 8.24 in Annex 1, Table 54.1 for comments.	
EX34.2	An Assessment of Temporal Variation of Benthic Invertebrate Communities in the Humber Estuary	IECS	Accepted	
EX35.12	Farmland Disturbance at Cherry Cobb Sands	Able UK Ltd	N/A	
EX35.13	Potentially Excepted Information: Land at Cherry Cobb Sands, Badger Survey	The Badger Consultancy	N/A	
EX36.2	North Bank Flood Defence Crest Height	Black & Veatch	N/A	
EX36.3	Change in Flood Risk to Properties on the North Bank	Able UK Ltd	N/A	

Ref.	Report Title	Author	MMO position (7 <sup>th</sup> September 2012)	Able 9.10.12:
EX44.1	Cumulative and In-combination Effects	ERM & Able UK Ltd	The MMO is still considering this report. Dialogue is ongoing between the Applicant, MMO, Environment Agency and Natural England.	