

**For the attention of Natasha Kopala**

The Secretary of State for Transport  
Department for Transport  
Zone 1/14  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Our Ref  
ADW/124645.0009  
Date  
12 November 2020

Dear Sir

**Applicant's response to Secretary of State's letter of 28 October 2020**

This is the response of Able Humber Ports Ltd, the Applicant, to the letter from the Secretary of State dated 28 October 2020. This covering letter introduces

- a paper that responds to the points made in the Secretary of State's letter in detail;
- a revised proposed amendment order (in tracked change format);
- a revised application statement with an expanded Section 3 to explain the change in the environmental effects pursuant to the NMC in greater detail;
- two new plan versions to reflect the construction of Halton Marshes Wet Grassland; and
- a revised shadow HRA to include an assessment in relation to Marsh Harrier and cumulative impacts.

By way of summary, the following main points should be noted:

- The non-material change application does not involve any development. The new site for mitigation land that is to replace Mitigation Area A, Halton Marshes Wet Grassland (HMWG), has already been consented and built.
- It was never the intention to develop Mitigation Area A as part of the DCO, this has now been made explicit by excluding it from the definition of the Order limits;
- The planning application PA/2017/2141, that would have involved development of Mitigation Area A, has been withdrawn so that there are no extant proposals to develop that area and hence no cumulative or in-combination effects to assess;
- Mitigation for the development of the South Humber Bank is addressed at a strategic level by local planning policy and the use of Halton Marshes to mitigate losses elsewhere is consistent with a long established strategy;

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- The effect of allocating HMWG rather than Mitigation Area A as mitigation for the loss of Killingholme Marshes due to the Able Marine Energy Park has already been assessed and considered in the approval of HMWG by North Lincolnshire Council;
- Natural England have approved the consequent change to the terrestrial environmental management and monitoring plan in principle (saying they cannot formally approve it until the non-material change is made).

Given these points and the enclosed materials, the Applicant urges the Secretary of State to conclude that the changes are non-material and approve the non-material change application in its current form.

Yours faithfully



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