

# APPENDIX UES5-2

## SCOPING OPINION

### ABLE MARINE ENERGY PARK (Material Change 2 – TR030006)



# **SCOPING OPINION:**

## **Proposed Able Marine Energy Park (AMEP) Quay Material Change 2 Application**

**Case Reference: TR030006**

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Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

**March 2021**

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# 1. INTRODUCTION

## 1.1 Background

- 1.1.1 On 29 January 2021, the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) received a scoping request from Able UK Ltd (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed subsequent application for the Able Marine Energy Park material Amendment (quay design) (the Proposed Development).
- 1.1.2 In accordance with Regulation 10 of the EIA Regulations, an Applicant may ask the SoS to state in writing its opinion *'as to the scope, and level of detail, of the further information to be provided in the updated environmental statement'*.
- 1.1.3 This document is the Scoping Opinion (the Opinion) provided by the Inspectorate on behalf of the SoS in respect of the Proposed Development. It is made on the basis of the information provided in the Applicant's report entitled AMEP Quay Material Change Application – EIA Scoping Report (the Scoping Report). This Opinion can only reflect the proposals as currently described by the Applicant. The Scoping Opinion should be read in conjunction with the Applicant's Scoping Report and original Environmental Statement (ES).
- 1.1.4 The Applicant has notified the SoS under Regulation 8(2)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development.
- 1.1.5 Regulation 10(4) of the EIA Regulations requires that before adopting a scoping opinion the Inspectorate must take into account:
- (a) *any information provided about the proposed development;*
  - (b) *the specific characteristics of the development;*
  - (c) *the likely significant effects of the development on the environment; and*
  - (d) *in the case of a subsequent application, the environmental statement submitted with the original application.*
- 1.1.6 This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice towards preparation of an ES.
- 1.1.7 The Inspectorate has consulted on the Applicant's Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Appendix 2).
- 1.1.8 The points addressed by the Applicant in the Scoping Report have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the updated ES, the Inspectorate will take account of relevant legislation and guidelines. The Inspectorate will not be precluded from requiring additional information if it is considered necessary in connection with the updated ES submitted with the application for a Development Consent Order (DCO).



- 1.1.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.
- 1.1.10 Regulation 10(4) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) the reference number of the order granting development consent in respect of which the applicant proposes to make a subsequent application;
  - (b) a description of the proposed development, including its location and technical capacity;
  - (c) an explanation of the likely significant effects of the development on the environment which were not identified at the time the order granting development consent was made; and
  - (d) such other information or representations as the person making the request may wish to provide or make.
- 1.1.11 The Inspectorate considers that this has been provided in the Applicant's Scoping Report. The Inspectorate is satisfied that the Scoping Report encompasses the relevant aspects identified in the EIA Regulations.
- 1.1.12 In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10 an ES accompanying an application for an order granting development consent should be based on *'the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)'*.
- 1.1.13 The Inspectorate notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). As amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This assessment must be coordinated with the EIA in accordance with Regulation 26 of the EIA Regulations. The Inspectorate notes that Proposed Development was authorised subject to derogations in the Habitats Regulations. The updated coordinated assessment should include all of the information required to fulfil the Habitats Regulations assessment process including that which relates to any necessary derogations.

## **1.2 The Planning Inspectorate's Consultation**

- 1.2.1 In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1. The consultation bodies have been notified under Regulation 11(1)(a) of the duty imposed on them by Regulation 11(3) of the EIA

Regulations to make information available to the Applicant relevant to the preparation of the ES. The Applicant should note that whilst the list can inform their consultation, it should not be relied upon for that purpose.

- 1.2.2 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, along with copies of their comments, at Appendix 2, to which the Applicant should refer in preparing their ES.
- 1.2.3 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.2.4 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Inspectorate's website. The Applicant should also give due consideration to those comments in preparing their ES.

## **2. THE PROPOSED DEVELOPMENT**

### **2.1 Introduction**

2.1.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/ resources.

### **2.2 Description of the Proposed Development**

2.2.1 The Applicant's description of the Proposed Development, its location and technical capacity (where relevant) is provided in Scoping Report Paragraph 1.2 Section 1.0 Introduction.

2.2.2 The proposal relates to a material change application, for proposed changes to the scheme consented under The Able Marine Energy Park Development Consent Order (DCO) 2014 (Statutory Instrument 2014 N0.2935). The Proposed Development comprises a quay, reclaimed estuarine habitat and the provision of offshore facilities for the manufacture, assembly and storage of components relating to the offshore renewable energy sector.

2.2.3 The proposed changes to the Proposed Development are presented in Section 2.0 of the Scoping Report and are summarised as being:

- changes to the proposed quay layout to reclaim the specialist berth at the southern end of the quay, and to set back the quay line at the northern end of the quay to create a barge berth;
- the addition of options to the form of construction of the quay whereby the piled relieving slab to the rear of the quay could be raised or omitted entirely (subject to detailed design), and the quay wall piles could be restrained with more conventional steel anchor piles and tie bars in lieu of flap anchors;
- a change to the approved diversion of footpath FP50 in North Lincolnshire to avoid crossing over the existing rail track at the end of the Killingholme Branch Line;
- provision of a third cross dam within the reclamation area to enable staged completion and early handover of sections of the quay;
- a change to the consented deposit location for 1.1M tonnes of clay to be dredged from the berthing pocket, to permit its disposal at HU080 if required; and,
- an amendment to the sequencing of works to enable them to commence at the southern end of the quay and progress northwards (illustrated on application drawings AMEP\_P1D\_D\_101 to 103).

2.2.4 The changes are outlined in the following drawings:

- AME-036-00001 A – Changes to Indicative Masterplan

- AME-036-00002 A – Changes to Quay General Arrangement
- AME-036-00003 A – Changes to Quay Typical Section

2.2.5 The application site is located east of North Killingholme in North Lincolnshire, on the south bank of the Humber Estuary. The Humber Estuary is one of the largest estuaries in the UK and is comprised of extensive wetlands and coastal habitats. Relevant nature destinations are identified as follows:

- Humber Estuary Special Area of Conservation (SAC)
- Humber Estuary Special Protection Area (SPA)
- Humber Estuary Site of Special Scientific Interest (SSSI)
- Humber Estuary Ramsar site.

2.2.6 The site is located approximately 1km downstream of the Humber Sea Terminal and immediately upstream of the South Killingholme Oil Jetty. At the time the Scoping Report was produced, the site is described as having been developed in accordance with planning permissions and consents under the Town and Country Planning Act 1990 (TCPA). In some cases, works have been undertaken to progress development in accordance with the DCO and in other cases to enable use of the site for purposes other than those permitted by the DCO, namely, car storage.

2.2.7 The planning permissions and consents applicable to the site are summarised in Tables 4 and 5 and aerial pictures of the site are presented in in Figures 4.1 and 4.2. Two nearby major marine developments have been implemented since the original DCO consent, Green Port Hull at the port of Hull and Grimsby Ro-Ro Terminal at the Port of Grimsby.

2.2.8 A description of the site is provided in Section 4.1 of the Scoping Report and is in part taken from Chapter 1 of the original ES. A large proportion of the site's terrestrial area comprises hardstanding for the storage of imported cars. A railway line passes through the site, and a redundant sewage works can be found to the south-west of the site. The former clay pits located to the north of the site (now flooded) known as North Killingholme Haven Site of Special Scientific Interest (SSSI) and is also part of the Humber Estuary Special Protected Area (SPA) and Ramsar. A raised embankment along the eastern boundary supports a flood defence wall, to protect the site from tidal flooding. A colony of Great Crested Newts (GCN) present at the site have been relocated to Mitigation area B. This was completed in 2015 and in accordance with the mitigation proposed in the original ES see paragraph 11.7.14.

2.2.9 The Cherry Cobb Sands compensation site remains materially unchanged since 2010. It is currently in agricultural use and is located on the north bank of the Humber Estuary within East Riding of Yorkshire. The site is shown in Figure 4.5. Since the DCO the Applicant has obtained planning permission for the creation of wet grassland and a wet roost adjacent to the compensation site. No changes are proposed to the compensation measures at Cherry Cobb Sands.

## 2.3 The Planning Inspectorate's Comments

### Description of the Proposed Development

- 2.3.1 The Scoping Report includes a description of the site. The site is described as covering an area of approximately 268ha, 45ha of which is reclaimed land from the estuary which will be used to provide a new quay. The Inspectorate notes in paragraph 2.5 that a net effect of the change is that marginally less land would be reclaimed from the estuary. The ES should quantify the amount of land to be reclaimed from the estuary and provide a clear updated description of the location.
- 2.3.2 The Inspectorate notes that the updated ES will only be reporting on new or materially different impacts and effects from those assessed in the original ES, and that no changes are proposed to the following:
- the onshore development of facilities for the manufacture, assembly and storage of components related to offshore renewable infrastructure
  - the improvement works to Rosper Road necessary for the operation of AMEP
  - to the arrangements for the disposal of surface water and foul water from the development site
  - to the lighting levels on the site
  - to any of the ecological mitigation works in North Lincolnshire or to the ecological compensation works in the East Riding of Yorkshire
  - to construction methods in the terrestrial development area
  - to the arrangements for parking as detailed on the consented Indicative Masterplan.
- 2.3.3 The proposal includes a diversion of Footpath 50 which would result in a change to the length of the route. The proposed footpath diversion is shown in Drawing AME-036-00004 in Appendix 1.
- 2.3.4 The consented scheme includes a specialist berth which is to be omitted from the changed scheme. Instead a barge berth is to be located at the northern end to enable barges and Ro-Ro vessels to berth and load/unload directly. The report explains that changes to the quay would facilitate Ro-Ro operations by allowing self-propelled mobile transporter (SPMT) units. Impacts associated with increased vessel movements and the change in the quay line are to be scoped into the updated ES. The report describes the use of SPMTs as having been fully assessed within the original ES. There is no reference as to where this information can be found in the ES and so it is not clear how or what has been assessed in relation to the use of SPMTs. For clarity the updated ES should provide specific reference to the location of this information in the original ES.
- 2.3.5 The Inspectorate notes that regarding the marine area of the development, that Piling works are already subject to the approval of a method statement (Schedule 8 paragraph 37), and that greater flexibility is now sought in regards to that approved in (Schedule 8 paragraph 4(1)(c)) which would enable either flap anchors or anchor piles with tie rods, and greater diameter front wall piles

to be used, subject to detailed design. The updated ES should provide describe the main alternatives considered and the reasons for selecting the final design.

- 2.3.6 Regarding the construction sequence, it is noted that the DCO contains sequencing restrictions and that these are set out in Schedule 8 paragraph 25, and Schedule 11 paragraph 21. No change to these restrictions is proposed.
- 2.3.7 The Scoping Report does not say whether there would be a change to the expected operating life or provide a description of the decommissioning phase of the Proposed Development. However, if there are any changes to the decommissioning impacts assessed in the original ES these should be described in the updated ES and assessed where significant effects are likely to occur.

### **Alternatives**

- 2.3.1 The EIA Regulations require that the Applicant provides 'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.
- 2.3.2 The Scoping Report does not state that alternatives will be considered within the updated ES. The Inspectorate would expect to see a discrete section in the updated ES that provides details of the reasonable alternatives studied in relation to the Proposed Development and the reasons for selecting the chosen option(s), including a comparison of the environmental effects.

### **Flexibility**

- 2.3.1 The Applicant's attention is drawn to the Inspectorate's Advice Note Nine 'Using the 'Rochdale Envelope'<sup>1</sup>, which provides details on the recommended approach to follow when incorporating flexibility into a draft DCO (dDCO).
- 2.3.2 The Applicant should make every attempt to narrow the range of options and explain clearly in the updated ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of the application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters should be clearly defined in the dDCO and in the accompanying updated ES. It is a matter for the Applicant, in preparing an updated ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the updated ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.
- 2.3.3 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed

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<sup>1</sup> Advice Note nine: Using the Rochdale Envelope. Available at:  
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters should be clearly defined in the dDCO and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.

## 3. ES APPROACH

### 3.1 Introduction

- 3.1.1 This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. General advice on the presentation of an ES is provided in the Inspectorate's Advice Note Seven 'Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements'<sup>2</sup> and associated appendices.
- 3.1.2 Aspects/ matters (as defined in Advice Note Seven) are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.
- 3.1.3 The Inspectorate has set out in this Opinion where it has/ has not agreed to scope out certain aspects/ matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/ matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 3.1.4 The Inspectorate has made effort to ensure that this Scoping Opinion is informed through effective consultation with the relevant consultation bodies. Unfortunately, at this time the Inspectorate is unable to receive hard copy consultation responses, and this may affect a consultation body's ability to engage with the scoping process. The Inspectorate also appreciates that strict compliance with COVID-19 advice may affect a consultation body's ability to provide their consultation response. The Inspectorate considers that Applicants should make effort to ensure that they engage effectively with consultation bodies and where necessary further develop the scope of the ES to address their concerns and advice. The ES should include information to demonstrate how such further engagement has been undertaken and how it has influenced the scope of the assessments reported in the ES.
- 3.1.5 The Inspectorate notes that consultation responses raise concerns regarding the consistency of information in relation to anticipated dredged arisings. The Applicant should ensure that information used in the updated ES is consistent and accurately informs the relevant assessments.
- 3.1.6 Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured through

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<sup>2</sup> Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements and annex. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>



dDCO requirements (or other suitably robust methods) and whether relevant consultation bodies agree on the adequacy of the measures proposed.

## **3.2 Relevant National Policy Statements (NPSs)**

- 3.2.1 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendation to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.
- 3.2.2 The designated NPS relevant to the Proposed Development is the NPS for Ports (NPSP).

## **3.3 Scope of Assessment**

### **General**

- 3.3.1 The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:
- to demonstrate how the assessment has taken account of this Opinion;
  - to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;
  - to set out the proposed mitigation and/ or monitoring measures including cross-reference to the means of securing such measures (eg a dDCO requirement);
  - to describe any remedial measures that are identified as being necessary following monitoring; and
  - to identify where details are contained in the Habitats Regulations Assessment (HRA report) (where relevant), such as descriptions of National Site Network Sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.
- 3.3.2 The Inspectorate notes that there is no proposal to change the compensation site at Cherry Cobb Sands. The updated ES should explain the extent to which the proposed compensation remains applicable to the Proposed Development taking into account the updated baseline and assessment of significant effects.
- 3.3.3 The Inspectorate notes that the assessment information in the updated ES is related and applicable to which is presented in the original ES for the Proposed Development. The Applicant should ensure that the updated ES, as necessary, provides clear and consistent cross reference to the original ES. If information with the original ES is applicable to the material change application this should be clearly described and referenced.

### **Baseline Scenario**

- 3.3.1 The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.
- 3.3.2 The Inspectorate notes that the Scoping Report proposes to conduct work to update baseline information, where relevant, as it relates to assessments previously undertaken in relation to the original ES. The Inspectorate welcomes this but also considers that the updated ES should assess whether changes in the baseline have consequences for other assessment outcomes. For example, if updated baseline assessments for ecology affect the environmental importance of the receiving environment for a given receptor this may result in necessary consequential changes to proposed mitigation or compensation even though overall significance may not change.

### **Forecasting Methods or Evidence**

- 3.3.1 The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.
- 3.3.2 The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters.
- 3.3.3 The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

### **Residues and Emissions**

- 3.3.1 The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.
- 3.3.2 The Inspectorate notes earlier comments made in relation to anticipated dredged arisings and the need to ensure there is consistency in the information provided.

### **Mitigation and Monitoring**

- 3.3.1 Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should also

address how any mitigation proposed is secured, with reference to specific dDCO requirements or other legally binding agreements.

- 3.3.2 The ES should identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.

### **Risks of Major Accidents and/or Disasters**

- 3.3.3 The updated ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development. The Applicant should make use of appropriate guidance (e.g. that referenced in the Health and Safety Executives (HSE) Annex to Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development's potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural heritage or the environment. Any measures that will be employed to prevent and control significant effects should be presented in the updated ES.

- 3.3.4** Relevant information available and obtained through risk assessments pursuant to national legislation may be used for this purpose. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

### **Climate and Climate Change**

- 3.3.5 The updated ES should include a description and assessment (where relevant) of the likely significant effects the Proposed Development has on climate (for example having regard to the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. Where relevant, the updated ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of materials or construction and design techniques that will be more resilient to risks from climate change.

### **Transboundary Effects**

- 3.3.1 The Inspectorate considers that where Regulation 32 applies, this is likely to have implications for the examination of a DCO application. The Inspectorate recommends that the updated ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are, and which EEA States would be affected.
- 3.3.2 Having considered the nature and location of the Proposed Development, the Inspectorate is not aware that there are potential pathways of effect to any

European Economic Area (EEA) states but recommends that, for the avoidance of doubt, the updated ES details any such consideration and assessment.

### **A Reference List**

- 3.3.1 A reference list detailing the sources used for the descriptions and assessments must be included in the updated ES.

## **3.4 Coronavirus (COVID-19) Environmental Information and Data Collection**

- 3.4.1 The Inspectorate understands government enforced measures in response to COVID-19 may have consequences for an Applicant's ability to obtain relevant environmental information for the purposes of their ES. The Inspectorate understands that conducting specific surveys and obtaining representative data may be difficult in the current circumstance.
- 3.4.2 The Inspectorate has a duty to ensure that the environmental assessments necessary to inform a robust DCO application are supported by relevant and up to date information. Working closely with consultation bodies, the Inspectorate will seek to adopt a flexible approach, balancing the requirement for suitable rigour and scientific certainty in assessments with pragmatism in order to support the preparation and determination of applications in a timely fashion.
- 3.4.3 Applicants should make effort to agree their approach to the collection and presentation of information with relevant consultation bodies. In turn the Inspectorate expects that consultation bodies will work with Applicants to find suitable approaches and points of reference to allow preparation of applications at this time. The Inspectorate is required to take into account the advice it receives from the consultation bodies and will continue to do so in this regard.

## **3.5 Confidential and Sensitive Information**

- 3.5.1 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to personal information specifying the names and qualifications of those undertaking the assessments and / or the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information.
- 3.5.2 Where documents are intended to remain confidential the Applicant should provide these as separate documents with their confidential nature clearly indicated in the title and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Inspectorate would be required to disclose under the Environmental Information Regulations 2004.
- 3.5.3 The Inspectorate adheres to the data protection protocols set down by the Information Commissioners Office<sup>3</sup>. Please refer to the Inspectorate's National

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<sup>3</sup> <https://ico.org.uk>

Infrastructure privacy notice<sup>4</sup> for further information on how personal data is managed during the Planning Act 2008 process.

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<sup>4</sup> <https://infrastructure.planninginspectorate.gov.uk/help/privacy-notice/>

## 4. ASPECT BASED SCOPING TABLES

### 4.1 Geology, Hydrogeology and Ground Conditions

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.1.1	Table 7	Impacts to Geology, Hydrogeology, Ground Conditions, Ground Gas from terrestrial works.	The Inspectorate agrees that the proposed material change is unlikely to alter the characteristics of the impacts associated with terrestrial works. On this basis the Inspectorate agrees that the assessment of effects for these matters presented in the original ES is unlikely to change. Further assessment beyond that presented in the original ES is not required.

ID	Ref	Other points	Inspectorate's comments
4.1.2	n/a	Legislation, policy and guidance	The Inspectorate notes that the original ES was developed according to relevant legislation, policy and guidance applicable at that time. The matters addressed in the updated ES should be informed with reference to the most recent relevant legislation, policy and guidance taking into account new legislation such as the Environmental Permitting (England and Wales) Regulations 2016 and relevant guidance.
4.1.3	Table 7	Disposal of dredged material	The Scoping Report proposes to undertake further sampling to determine the levels of contaminants applicable to dredged material. The Inspectorate notes that contaminant levels reside between Action Levels 1 and 2 and therefore require further consideration and testing before decisions regarding sea disposal can be confirmed. The Inspectorate notes the consultation response from the Environment Agency (EA) in this regard and in particular the limitations applicable to this approach. The Inspectorate considers that the assessment

ID	Ref	Other points	Inspectorate's comments
			should be conducted in accordance with the Clearing the Waters guidance and should focus on relevant chemicals in the Environmental Quality Standards Directive (EQSD) list. The Applicant should make effort to agree the sampling approach including the number, location and methods with the relevant consultation bodies.
4.1.4	Para 2.13	Contaminated land	The Scoping Report explains that the previously identified deposit areas have already been substantially raised with engineered fill. The original ES states that only uncontaminated material will be used in this process. The updated ES should confirm if this is the case in order to give confidence that activities are unlikely to mobilise any new source of contaminants.
4.1.5	Para 2.23	Piling	The Scoping Report explains that piling works are already subject to approval of a method statement in order to control the likely effects and no new or different impacts are predicted. The Applicant should make effort to agree this position with relevant consultation bodies including the Marine Management Organisation (MMO) and the EA. The Inspectorate notes that the proposals are likely to affect the location, type and number of piles required for the Proposed Development. The assessment should take these changes into account and explain if new or amended requirements or conditions are necessary.
4.1.6	Para 2.13	Alternatives	The Scoping Report suggests that the Applicant will seek options for beneficial use of materials obtained from the dredging activities. The updated ES should explain what options have been considered and the main reasons for the chosen option taking into account the effects on the environment.

## 4.2 Hydrodynamic and Sedimentary Regime

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.2.1	Para 6.10	Wave Modelling	The Scoping Report proposes to conduct desk study assessment of changes to wave dynamics rather than conducting further wave modelling. The Scoping Report argues that the proposed changes represent a likely minor change in impact characteristics. The Inspectorate notes that the Humber Estuary is a dynamic environment, with complex hydrodynamic processes, as such small changes of this sort may result in substantial change to impact characteristics. The Applicant should make effort to agree the approach to wave modelling with relevant consultation bodies including the need for further wave modelling to account for the proposed changes.

ID	Ref	Other points	Inspectorate's comments
4.2.2	Para 6.6	Assessment Methodology	The Inspectorate welcomes the commitments made in the Scoping Report to update the assessment with relevant information and making use of available computer modelling to aid the assessment. The Inspectorate notes that the models proposed to inform the assessment are generally those that were used for the original ES and are now several years old. The Applicant should make effort to agree the suitable modelling techniques with relevant consultation bodies.
4.2.3	Para 6.8	UKCP18 and sea level rise	The Inspectorate notes the commitment to updating the assessment of effects based on relevant information set out in UKCP18 guidance particularly in relation to sea level rise and Representative Concentration Pathways (RCPs). The Inspectorate is aware that the application of latest guidance may alter the findings of the original assessment. The Applicant should make effort to ensure that the



ID	Ref	Other points	Inspectorate's comments
			<p>approach to the assessment is agreed with relevant consultation bodies including the EA. The relationship between this assessment and the assessment of the Proposed Development's vulnerability to climate change should be explained.</p>
4.2.4	Para 6.9	Baseline assessment	<p>The Scoping Report explains that updated information is available to inform the updated baseline assessment for estuary morphology. The Scoping Report does not explicitly state that this will be carried out. For the avoidance of doubt the Inspectorate considers that the baseline assessment should be updated and informed by the most relevant and up to date information available. The Applicant should make effort to agree the need for further sampling, if required, to inform the assessment with relevant consultation bodies including the MMO.</p>
4.2.5	Para 6.12	Assessment of significance	<p>The Scoping Report explains that the updated ES will focus on impacts to processes and not receptors therefore it is inappropriate to assign significance levels. The Inspectorate generally accepts this conclusion but points out that the EIA Regulations require an assessment of the 'likely significant effects'. The Applicant should ensure that impacts to processes likely to result in consequential effects for relevant receptors should be assessed. This would include consequential impacts to receptors reliant on habitats affected by process change e.g. intertidal mudflat and saltmarsh.</p>
4.2.6	Table 7	Disposal site	<p>The Inspectorate notes the proposal in the Scoping Report to dispose of significant quantities of dredged material at the relevant disposal location (HU082). The Inspectorate considers that the updated ES should include information to adequately characterise the disposed material and its intended disposal location in order to inform a detailed assessment of the likely significant effects. The Applicant</p>

ID	Ref	Other points	Inspectorate's comments
			should make effort to agree the approach to the characterisation and assessment with relevant consultation bodies including the MMO.

### 4.3 Water and Sediment Quality

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.3.1	Table 7	Site run-off and storm drainage (construction Phase)	<p>The Scoping Report explains that there are no proposed changes to site drainage and storm drainage during construction, therefore new or different significant effects from those assessment in the original ES are unlikely. The Inspectorate agrees that, notwithstanding the updated information in relation to these matters, new or different significant effects from alterations to site run-off and drainage during construction are unlikely and can be scoped out of the updated assessment.</p>
4.3.2	Table 7	Indirect impacts on water quality (Construction Phase)	<p>The Scoping Report suggests that no new or additional impacts will occur during construction like to affect bathing water quality (Cleethorpes Beach) or designated sites. The Inspectorate is content that having regard to extent of the proposed change the resultant change in impact characteristics is likely to be relatively localised. Cleethorpes Beach is located at some distance from the Proposed Development and is unlikely to experience new or different significant effects and can be scoped out of the updated assessment.</p> <p>The Inspectorate does not agree that indirect impacts on designated sites and features can be scoped out. The proposed change would result in large, albeit localised, changes to the impact characteristics within a number of designated sites. Indirect impacts to sites and features from changes in water quality during construction should be assessed in the updated assessment. The Inspectorate notes that the EA and MMO have both identified the need to conduct further work to characterise the dredged material and inform an updated Water Framework Directive (WFD) assessment. This information will be applicable to the assessment of indirect impacts on water quality and should be taken into account. The Applicant should make effort to</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			agree the approach to this assessment, in light of these activities, with relevant consultation bodies.
4.3.3	Table 7	Sewage and trade effluent, accidental spills or litter. (Operation Phase)	The Inspectorate agrees that the proposed changes are unlikely to alter the characteristics of these impacts such that new or different significant effects would occur. The Inspectorate agrees that these matters do not need to be scoped into the updated assessment.
4.3.4	Table 7	Power plant intakes/thermal re-circulation. (Operation Phase)	The Scoping Report explains that the existing Centrica outfall is no longer operational and that the applicable environmental permit is bespoke to the previous operator. The Applicant should provide evidence within the updated ES to demonstrate the agreement reached with relevant consultation bodies notably the EA as to this approach. If agreement with the EA cannot be provided, then the updated ES should include assessment of the altered impact characteristics from the proposed change on thermal re-circulation at the existing Centrica outfall.

ID	Ref	Other points	Inspectorate's comments
4.3.5	Para 6.13	Sediment plume impacts and resuspension of contaminated sediment.	The Scoping Report is unclear in describing how the need to update this assessment will be determined. The Inspectorate considers that the need to update this assessment should be informed by the updated assessments for Geology, Hydrogeology and Ground Conditions and Hydrodynamic and Sedimentary Regime. Changes to impact characteristics in these aspects should inform the updated ES of impacts to water quality from sediment plume and resuspension of contaminate sediment. The Applicant should make effort to agree the approach with relevant consultation bodies.

ID	Ref	Other points	Inspectorate's comments
4.3.6	Para 6.14	Water Framework Directive (WFD) Objectives	<p>The Scoping Report suggests that changes to impact characteristics likely to alter the assessment of WFD objective will be undertaken qualitatively. The Inspectorate does not agree with this approach uniformly and instead considers that where necessary quantitative assessment should be undertaken. The Applicant should make effort to agree the need for and approach to any quantitative assessment with the relevant consultation bodies.</p> <p>The Inspectorate considers that the WFD assessment should be undertaken in accordance with the Clearing the Waters guidance. The Applicant should make effort to agree the approach to the WFD assessment including the approach to assessing cumulative impacts with the relevant consultation bodies.</p>
4.3.7	Paras 6.16-17	Modelled impacts	<p>The Inspectorate notes the intention in the Scoping Report to update the assessment in accordance with the approach undertaken in Chapter 8 of the original ES. The Applicant should make effort to agree this approach with relevant consultation bodies and if necessary, update the approach to modelling in order to be consistent with up to date methods of assessment.</p>

## 4.4 Aquatic Ecology

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.4.1	Table 7	Disturbance to fish from construction activity noise and vibration due to dredging	The Scoping Report states that there will only be a minor increase in overall capital dredging, and as such that it would not lead to any material change in the magnitude of the impact and so the significance of effect will not change. The Scoping Report provides little evidence to support this conclusion and considers that there is potential for noise and vibration during construction to result in significant effects on fish during construction. The Applicant's attention is drawn to comments from MMO in this regard and notably their concern that the baseline assessments for fish and fisheries need to be updated. The Inspectorate considers this updated assessment should be included in the updated ES. The Applicant should update the assessment and make effort to agree with the relevant consultation bodies the approach to the assessment.
4.4.2	Table 7	Disturbance to fish from habitat loss and construction activity noise and vibration	The Scoping Report states that the proposed change does not result in any new or additional sources of noise or vibration beyond those previously assessed, nor does it result in any effects on areas which would not otherwise have been subject to disturbance. However, the Inspectorate notes that there is a proposed change to quay construction methods. The consultation response from the EA points out that it is unclear whether the change to construction would alter the characteristics of the potential impact in terms of extent, intensity or duration for example. The Inspectorate considers that these changes could be considerable to the assessment of likely significant effects and does not agree to scope this matter out. The updated ES should describe the impact characteristics associated with the proposed change and assess any likely significant effects.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The Applicant should make effort to agree the approach with relevant consultation bodies.
4.4.3	Table 7	Disturbance to marine mammals from construction activity noise and vibration	The Scoping Report states that the proposed change does not result in any new or additional sources of noise or vibration beyond those previously assessed, nor does it result in any effects on areas which would not otherwise have been subject to disturbance. However, the Inspectorate notes that there is a proposed change to quay construction methods. It is unclear whether these changes would alter the characteristics of the potential impact in terms of extent, intensity or duration for example. Accordingly, the Inspectorate does not agree to scope this matter out. The updated ES should describe the impact characteristics associated with the proposed change and assess any likely significant effects. The Applicant should make effort to agree the approach with relevant consultation bodies.
4.4.4	Table 7	Disturbance to marine mammals from reduced prey availability	<p>The Scoping Report argues that there is no pathway for the proposed changes to quay design to impact fish different from that assessed in the original ES.</p> <p>However, the Scoping Report also identifies that there is potential for the changes to impact fish and fish eggs/larvae through habitat loss and disturbance. As such the Inspectorate does not agree that disturbance to marine mammals from reduced prey availability can be scoped out. The ES should include an assessment of this matter and any likely significant effects associated. The Applicant should make effort to agree the approach with relevant consultation bodies.</p>
4.4.5	Table 7	Construction Impacts – Run-off	The Scoping Report explains that impacts to aquatic ecological receptors resulting from construction run-off is proposed to be scoped

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>out. This is because the proposed design change does not include any changes to site drainage and run off to the proposed.</p> <p>The Inspectorate agrees that the proposed changes are unlikely to alter the characteristics of these impacts such that new or different significant effects would occur. The Inspectorate agrees that this matter does not need to be scoped into the updated assessment.</p>
4.4.6	Table 7	Operational Impacts	<p>The Scoping Report explains that the proposed design change will not result in a change to the envelope for the number of vessels during operation and as such there will be no potential for a change in anticipated operational impacts on aquatic ecology from vessels during operation. The Inspectorate agrees that the proposed changes are unlikely to alter the characteristics of these impacts such that new or different significant effects would occur. The Inspectorate agrees that this matter does not need to be scoped into the updated assessment.</p>

ID	Ref	Other points	Inspectorate's comments
4.4.7	Table 7	habitat disturbance from water quality changes in the vicinity of outfalls	<p>The Scoping Report explains that the quay may cause materially different impacts on the E.ON outfall, and that regard will be had to whether the localised increase in ambient water temperature will have a significant impact on WFD waterbodies.</p> <p>The Inspectorate notes that the outfall at the Centrica Power Station is not included in the assessment. The Applicant should make effort to agree the updated ES approach to the assessment of impacts in relation to the outfall with relevant consultation bodies, notably the EA. The updated ES should assess these impacts where significant effects are likely to occur.</p>



ID	Ref	Other points	Inspectorate's comments
4.4.8	Table 7	Indirect changes to habitats from project-induced changes in hydrodynamic and morphodynamic regime	<p>The Scoping Report states that the proposed design changes to the quay may affect the hydrodynamic regime from that previously assessed. It is proposed that if the ES concludes that the hydrodynamic and morphodynamic effects do result in a noticeable change then indirect changes to habitats will be scoped into the updated assessment, however if there is no noticeable change then indirect changes to habitats will be scoped out of the ES. The updated ES should include evidence to support any conclusions made and effort should be made to seek agreement with the relevant consultation bodies on the approach and outcome to the updated assessment.</p>
4.4.9	MMO		<p>The MMO have stated that the description of the ecological baseline must be updated. The Applicant should ensure that this is provided within the updated ES.</p> <p>The MMO considers that unless appropriate evidence is presented to demonstrate that the proposed piling activity does not exceed that which was already assessed previously, that the Applicant should include impacts of noise and vibration from piling activity in the EIA, including any mitigation required.</p>

## 4.5 Terrestrial Ecology and Birds

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.5.1	Table 7	Terrestrial Habitat and Species	<p>The Scoping Report explains that no changes are proposed to the terrestrial works which would have any direct impact on terrestrial habitats and species beyond that which has already been assessed and as such can be scoped out. The Inspectorate does not agree to this approach, noting that the baseline position for terrestrial habitats and species may have changed from the position presented in the original ES., and as the terrestrial works include the diversion of a footpath, the updated ES should include information to support the original assessment.</p>
4.5.2	Table 7	Noise	<p>The Scoping Report states that as the installation operations would be the same, that the change will not result in any new or different noise impacts on ecology and nature conservation interests in terms of noise or vibration. It explains that as a worst-case scenario has been considered and as the quay would be constructed in accordance with the requirements and conditions set out in the DCO and marine licence no new or different impacts are predicted.</p> <p>The Inspectorate does not agree to this approach, it considers that as there may have been natural changes to habitats, bird distribution and waterbird assemblage, and that it remains unclear whether the alterations in piling activities would result in additional noise impacts due to changes in extent, intensity or duration.</p> <p>The updated ES should therefore include evidence to support any conclusions made. The Applicant should also make effort to agree the sufficiency of existing mitigation measures with relevant consultation bodies.</p>

ID	Ref	Other points	Inspectorate's comments
4.5.3	Table 7	Ornithological Impacts	<p>The Scoping Report explains that the proposed changes may affect the hydrodynamic and morphodynamic regimes which in turn may result on indirect changes to habitats. Where this has potential to affect designated estuary habitat, there could potentially be subsequent or consequential impacts to bird species and assemblage including SPA qualifying features. The updated ES should include assessment of impacts to ornithological features resultant from these changes where significance effects are likely to occur. The Applicant should make effort to agree the approach to the assessment with relevant consultation bodies.</p>
4.5.4	Table 7	Cherry Cobb Sands	<p>The Scoping Report explains that since the making of the original DCO, the estuary has undergone physical changes through development, and through changes in the marine environment. It is considered that the proposal may lead to changes to hydrodynamic and morphodynamic regime and potentially to indirect changes to habitats.</p> <p>The Inspectorate considers that as the impact of the quay may be affected by natural changes, and has potential to affect habitats and bird distribution, that the updated ES should assess whether the effects on designated site features are such that they would introduce new or different significant effects.</p> <p>The Inspectorate notes that there is no change proposed to the compensation provision being provided. The Cherry Cobb Sands compensation proposal was established on the basis of the anticipated harm to the SPA. The updated assessment should therefore consider whether the original impacts of the proposed development to qualifying features are likely to change and confirm if the compensation proposed remains appropriate in these circumstances.</p>

ID	Ref	Other points	Inspectorate's comments
			<p>If new or different effects are found, the Applicant should assess the sufficiency of the existing compensation requirements and provide evidence of any agreement reached with relevant consultation bodies.</p> <p>The Applicant should seek and provide evidence of agreement with the relevant consultation bodies regarding the extent of the study area and matters to be included in the ES.</p>

## 4.6 Commercial Fisheries

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
4.6.1	Table 7	Commercial fisheries	<p>The Scoping Report states that the importance of the location for commercial fisheries has not changed since the original ES was published and no new significant effects are anticipated beyond that which has already been assessed.</p> <p>The Inspectorate notes that the original assessment of impact to commercial fisheries was produced a substantial time ago in 2010. The updated ES should include updated baseline information to demonstrate that there has been no material change in the importance of the location for commercial fisheries and if there has, the updated ES should assess any new or different significant effects.</p>

ID	Ref	Other points	Inspectorate's comments
4.6.2	Table 7	Indirect impacts on fishery resource	<p>The Inspectorate notes that habitat changes, and disturbance to fish and fish eggs/larvae from habitat loss and disturbance is to be scoped into the updated ES, and that there may be associated indirect impacts on habitats from capital dredging.</p> <p>It is considered that as there would be a change in the quantum of habitat directly lost to the works, that the effects of habitat loss or modification, and potential alterations to the hydrodynamic regime on commercial fisheries should be assessed in the updated ES.</p>

## 4.7 Drainage and Flood Risk

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.7.1	Table 7	The disposal of surface water and foul water.	<p>The Scoping Report explains that no changes are proposed to the arrangements for the disposal of surface water and foul water from the development site. The amendments to the proposed design would therefore not give rise to any new or different impacts to drainage.</p> <p>The Inspectorate agrees that the proposed changes are unlikely to alter the characteristics of these impacts such that new or different significant effects would occur. The Inspectorate agrees that this matter does not need to be scoped into the updated assessment.</p>
4.7.2	Table 7	Flood Risk	<p>The Scoping Report states that modelling was previously undertaken of the quay design to assess the potential impacts of overtopping or breaching of adjacent defences. It explains that as the quay level remains unchanged it is reasonable to conclude that there will be no new or different effects on flood risk as a result of the new design.</p> <p>The Inspectorate notes that in Table 7, under hydrodynamic and sedimentary regime, that the proposal may have an impact on waves and overtopping. In the absence of evidence to conclude that the proposal would not have an impact on overtopping, the Inspectorate is not in a position to agree to scope these matters from the assessment.</p> <p>The EA consultation response highlights that the higher Upper End predictions for sea level rise and the Humber extreme water levels should be used to inform the assessment. The Inspectorate agrees with this position, the updated ES should include an assessment of impacts on flood risk due to anticipated sea level rise.</p> <p>The updated assessment of flood risk should identify any alteration to overtopping rates on flood defences and be conducted using the</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			updated allowances on gov.uk. The Scoping Report confirms that the quay levels have not been changed but the Applicant is advised that if there are any future revisions in this regard the impacts will also need to be carefully assessed. The Applicant should make effort to agree the applicable flood risk allowances for the assessment with the relevant consultation bodies.

## 4.8 Navigation

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.8.1	n/a	n/a	<p>No matters have been proposed to be scoped out of the assessment. The Scoping Report explains that the assessment will review current automated Identification System (AIS) data and will review the risks associated with a prolonged period of vessel movements.</p> <p>Navigational impacts arising from increased vessel movements associated with the increased maintenance dredging requirements is to be assessed and considered in combination with other projects.</p> <p>The Applicant should make effort to agree the approach to the assessment in the updated ES with the relevant consultation bodies</p>

ID	Ref	Other points	Inspectorate's comments
4.8.2	n/a	Assessment methodology for Commercial and Recreational Navigation	<p>The Inspectorate considers that the assessment methodology for Commercial and Recreational Navigation should be updated in line with guidance from the Maritime and Coastguard Agency (MCA). The Applicant should make effort to agree the relevant methodology for the assessment with consultation bodies including the MCA.</p>



## 4.9 Traffic and Transport Assessment

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.9.1	Table 7	Construction and operational traffic flows.	The Scoping Report explains that the proposed changes are unlikely to alter the previously assessed construction and operational traffic flows. The Inspectorate agrees with this explanation and is content that these matters need not be assessed in the updated ES since new or different significant effects are unlikely to occur.

ID	Ref	Other points	Inspectorate's comments
4.9.2	Table 7	Diversion to footpath	The Inspectorate agrees that impacts to the footpath as a result of the proposed change to the approved route should be assessed. The assessment should include impacts that result during construction and operation. The assessment should also consider whether additional options for alternative access during prolonged periods of disruption are required should they occur.

## 4.10 Noise and Vibration

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.10.1	Table 7	Noise and vibration during construction.	<p>The Scoping Report suggests that impacts from noise and vibration to sensitive terrestrial and marine receptors will remain consistent with the worst-case scenario assessed in the original ES. It also suggests that such impacts would be mitigated through existing DCO requirements. The Inspectorate does not agree with this approach, in particular the Inspectorate is concerned that the assumption (supported by no evidence) that the proposed change in quay construction methods would not significantly alter the characteristics of the impact or the effects for sensitive receptors particularly marine ecological receptors may be incorrect.</p> <p>The Inspectorate considers that the updated ES should include information to support the assumptions made or should include an updated assessment of the likely significant effects for marine noise receptors associated with the proposed change. The Applicant should make effort to agree with relevant consultation bodies the sufficiency of existing mitigation measures in light of the proposed changes and more up to date understanding of the likely effects to marine ecology from underwater noise impacts.</p>
4.10.2	Table 7	Road traffic noise impacts during operation	<p>The Inspectorate agrees that the proposed changes are unlikely to change the traffic noise impacts previously assessed as resultant from road traffic. The Inspectorate is content that these matters be scoped out of the updated assessment.</p>

## 4.11 Air Quality

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
4.11.1	Table 7	n/a	<p>The Scoping Report argues that the proposed material change will not give rise to any new or different effects from those previously assessed in the original ES since construction and operational activities will be identical. However, the Inspectorate notes that the Scoping Report also identifies an anticipated increase in vessel movements during operation. On that basis the Inspectorate does not agree that an updated air quality assessment can be scoped out from the updated ES. Any significant effects on air quality associated with the increased vessel movements should be assessed. The Applicant should make effort to agree the scope of the updated assessment for air quality with relevant consultation bodies.</p>

## 4.12 Historic Environment

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.12.1	Table 7	Historic Environment	The Scoping Report proposes to scope out any updated assessment of impacts to historic environment features as result of the proposed change. The Inspectorate does not agree to this approach and considers that updated assessment should be undertaken to assess impacts that occur from the altered quay alignment. The updated assessment should be informed by the updated assessment of impacts to the hydrodynamic and sedimentary regime, particularly where impacts from erosion or accretion of sediment may have changed from the original assessment.

ID	Ref	Other points	Inspectorate's comments
4.12.2	Table 7	Written Scheme of Investigation (WSI)	The Scoping Report suggests that the existing requirement for the WSI will be sufficient to address any necessary changes to mitigate differing impact characteristics as a result of the proposed changes. The Applicant should make effort to agree this position with relevant consultation bodies. If alterations to the WSI are required to support this position the details should be explained within the updated assessment.
4.12.3	n/a	Knowledge gained from pre-construction WSI activities already undertaken	The Inspectorate notes the comments received by Historic England that relate to the greater knowledge gained from pre-construction WSI activities. The Inspectorate considers that the updated assessment should be informed by this information and used to assess the impacts on the coastal and marine historic environment.

## 4.13 Light

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
4.13.1	Table 7 Paragraph 2.17	Lighting	<p>The Scoping Report concludes that as there would be no changes or amendments to lighting emissions, that there would be no new or different impacts and as such it can be scoped out.</p> <p>Chapter 19 of the original ES concluded that the proposed light levels and area of light spill were acceptable.</p> <p>The Inspectorate notes that the precise arrangements for the lighting levels on the site are reserved matters requiring the submission of written details and their subsequent approval in accordance with Schedule 11, paragraph 24 of the DCO, and that that the list of new, revised and retained plans shows that the lighting column details shown in drawing AME-02012-B are to be retained with no amendment.</p> <p>The Inspectorate is content that this aspect can be scoped out of the updated assessment.</p>

## 4.14 Landscape and Visual

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
4.14.1	Table 7	Landscape and Visual	<p>The Scoping Report concludes that amendments to the proposed design are not material in the context of the assessment of impacts of the quay on the profile of the riverbank and will not therefore result in any new or different landscape or visual effects.</p> <p>The Inspectorate agrees that the proposed changes are unlikely to alter the characteristics of these impacts such that new or different significant effects would occur. The Inspectorate agrees that this aspect can be scoped out of the updated assessment.</p>

## 4.15 Socio-Economic

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
4.15.1	Table 7	Socio-Economic	<p>The Scoping Report states that there would be no new or different socio-economic impacts to those previously reported in the original ES.</p> <p>The Inspectorate agrees that the proposed changes are unlikely to alter the characteristics of these impacts such that new or different significant effects would occur. The Inspectorate agrees that this aspect does not need to be scoped into the updated assessment.</p>

## 4.16 Aviation

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
4.16.1	Table 7	Aviation	<p>The Scoping Report identifies that the potential impact to aviation would be through tall structures and that as such the amendments to the proposed design will not give rise to any new or different impacts or significant effects relating to aviation.</p> <p>The Inspectorate agrees that the proposed changes are unlikely to alter the characteristics of these impacts such that new or different significant effects would occur. The Inspectorate agrees that this aspect does not need to be scoped into the updated assessment.</p>



## 4.17 Waste

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.17.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.17.2	Para 6.2	Clay arisings	<p>The Scoping Report explains that the updated ES would follow the methodologies set out in the original ES and include an identification of the options for beneficial use of the additional clay arisings.</p> <p>The assessment should explain the reason for the chosen option for disposal of the clay arisings taking into account the effects on the environment. The assessment should include a characterisation of the waste and its disposal location in accordance with advice received from the MMO. The Applicant should make effort to agree the approach with the relevant consultation bodies.</p>

## 4.18 Health

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
4.18.1	Table 7	Health	<p>The Scoping Report explains that the amendments to the proposed design will not give rise to any new or different health impacts and so can be scoped out of the updated ES.</p> <p>The Inspectorate agrees that the proposed changes are unlikely to alter the characteristics of these impacts such that new or different significant effects would occur. The Inspectorate agrees that this aspect does not need to be scoped into the updated assessment.</p>

## 4.19 Cumulative Effects

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.19.1	Table 6	South Humber Bank Energy Centre	The Scoping Report suggests that the South Humber Bank Energy Centre located approximately 7km from the Proposed Development is too remote for it to be assessed cumulatively with the Proposed Development. The Inspectorate does not agree and notes the comments received from the EA in particular the potential for wider scale impacts through the hydrological regime. The updated assessment of cumulative effects should include an assessment of likely significant effects with South Humber Bank Energy Centre. The Application should make effort to agree the approach to the assessment with relevant consultation bodies.

ID	Ref	Other points	Inspectorate's comments
4.19.2	n/a		<p>The Inspectorate notes that the Centrica outfall is not included within the list of receptors identified as being assessed for cumulative impacts.</p> <p>The Applicant should seek and provide evidence of agreement with the relevant consultation bodies regarding the extent of the study area and matters to be included in the cumulative impact.</p>
4.19.3	n/a	Middle Estuary developments	The Inspectorate agrees with comments received from Hull City Council that cumulative effects with major development proposed in the middle estuary should be assessed in the updated assessment. The Applicant should make effort to agree the list of other developments located within the middle estuary that should be included in the updated assessment with relevant consultation bodies.

ID	Ref	Other points	Inspectorate's comments
			The cumulative assessment should be particularly concerned with the cumulative impacts to tidal and sub-tidal habitats.
4.19.4	n/a	Cherry Cobb Sands	The Inspectorate notes the consultation response from Hull City Council which refers to the number of planning consents within and near to the compensation site at Cherry Cobb Sands. The Inspectorate understands that no changes are proposed to the compensation site, however, the proposed changes at the quay coupled with new baseline information may result in different or greater levels of effect on designated features. The suitability of the compensation site to address the effects of the Proposed Development should be assessed in these circumstances. The impact that proposed and existing development has on the suitability of the compensation site should be assessed.

## 4.20 In-combination Effects

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.20.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Other points	Inspectorate's comments
4.20.2	n/a	n/a	The EA have highlighted the need for the Water Framework Directive assessment to include other activities that impact the same receptor. The Inspectorate considers that in-combination effect assessment is more typically associated with the Habitats Regulations assessment process. However, assessing inter-related impacts to receptors is within the EIA process and should be assessed in the updated ES where significant effects are likely to occur. The Applicant may wish to address inter-related impacts within relevant aspect chapters to avoid a separate chapter of this sort in the updated ES.

## 4.21 Climate Change

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
4.21.1	Para 5.7 - 5.15	Climate Change	<p>The Scoping Report describes climate change in relation to carbon dioxide emissions and flood risk. It explains that Carbon Dioxide emissions are detailed in Table 17.13 of the original ES, that the carbon footprint is assessed in Appendix 6.2 of the original ES, and that flood risk and sea level rise are assessed in Appendix 13.1. The effects of climate change are concluded to have been appropriately considered in the original ES as the proposed material change will not impact the findings of the original assessments.</p> <p>The assessment of carbon footprint in Appendix 13.1 of the original ES considers vessel type, and vessel utilisation in determining its final conclusions. The proposed changes to quay design would allow different vessels and loading/unloading practices, and it is predicted that there would be a 10% increase annual vessel movements.</p> <p>The Inspectorate considers that the assessment should be updated to include assessment of impacts from changes to vessel type and utilisation where they are likely to result in any new or difference significant effects.</p>

## 4.22 Major Accidents / Disasters

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.22.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.22.2	Paragraph 5.16	Risk Assessment	<p>The Scoping Report explains that the major accidents/disasters which could be caused or experienced by the proposed development are limited to impacts on navigation in the River Humber and navigation impacts at Humberside airport. It states that the original ES included an assessment on Commercial and Recreational Navigation and a Navigation and Vessel Traffic Risk Assessment and considers that that major accidents/hazards have already been appropriately assessed in the original ES, and that this Risk Assessment will be updated in the assessment process to reflect on site proposals.</p> <p>The Health and Safety Executive have identified five major accident hazard sites, and one major hazard pipeline within the application boundary. The Inspectorate considers that these matters should also be addressed within the updated risk assessment. The Applicant should make effort to agree the approach to the assessment with relevant consultation bodies.</p>

## 5. INFORMATION SOURCES

5.0.1 The Inspectorate's National Infrastructure Planning website includes links to a range of advice regarding the making of applications and environmental procedures, these include:

- Pre-application prospectus<sup>5</sup>
- Planning Inspectorate advice notes<sup>6</sup>:
  - Advice Note Three: EIA Notification and Consultation;
  - Advice Note Four: Section 52: Obtaining information about interests in land (Planning Act 2008);
  - Advice Note Five: Section 53: Rights of Entry (Planning Act 2008);
  - Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements;
  - Advice Note Nine: Using the 'Rochdale Envelope';
  - Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects (includes discussion of Evidence Plan process);
  - Advice Note Twelve: Transboundary Impacts;
  - Advice Note Seventeen: Cumulative Effects Assessment; and
  - Advice Note Eighteen: The Water Framework Directive.

5.0.2 Applicants are also advised to review the list of information required to be submitted within an application for Development as set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.

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<sup>5</sup> The Planning Inspectorate's pre-application services for applicants. Available from: <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

<sup>6</sup> The Planning Inspectorate's series of advice notes in relation to the Planning Act 2008 process. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>





## APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

**TABLE A1: PRESCRIBED CONSULTATION BODIES<sup>7</sup>**

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Commissioning Group	NHS East Riding of Yorkshire Clinical Commissioning Group
	NHS North Lincolnshire Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	Humberside Fire and Rescue Service
The relevant police and crime commissioner	Humberside Police and Crime Commissioner
The relevant parish council(s) or where the application relates to land [in] Wales or Scotland, the relevant community council	Paull Parish Council
	South Killingholme Parish Council
	East Halton Parish Council
	North Killingholme Parish Council
The Environment Agency	The Environment Agency
The Maritime and Coastguard Agency	The Maritime and Coastguard Agency
The Marine Management Organisation	Marine Management Organisation
The Relevant Highways Authority	North Lincolnshire Council

<sup>7</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
	East Riding of Yorkshire Council
The relevant strategic highways company	Highways England
The Coal Authority	The Coal Authority
The relevant internal drainage board	South Holderness Internal Drainage Board
	North East Lindsey Internal Drainage Board
Trinity House	Trinity House
Public Health England, an executive agency of the Department of Health	Public Health England
Relevant statutory undertakers	See Table 2 below
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	The Forestry Commission
The Secretary of State for Defence	Ministry of Defence

**TABLE A2: RELEVANT STATUTORY UNDERTAKERS<sup>8</sup>**

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
The relevant Clinical Commissioning Group	NHS East Riding of Yorkshire Clinical Commissioning Group
	NHS North Lincolnshire Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
The relevant NHS Trust	Yorkshire Ambulance Service NHS Trust

<sup>8</sup> 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
Railways	Network Rail Infrastructure Ltd
Dock and Harbour authority	ABP Humber Estuary Services
	ABP Grimsby Harbour Authority
	ABP Immingham Harbour Authority
	ABP Hull Harbour Authority
	ABP Goole Harbour Authority
	Humber Sea Terminal Simon Group PLC
	C.RO Ports Killingholme Ltd
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Anglian Water
	Yorkshire Water
The relevant public gas transporter	Cadent Gas Limited
	Last Mile Gas Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	ESP Connections Ltd
	Fulcrum Pipelines Limited
	Harlaxton Gas Networks Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited

STATUTORY UNDERTAKER	ORGANISATION
	Murphy Gas Networks limited
	Quadrant Pipelines Limited
	National Grid Gas Plc
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Northern Gas Networks Limited
The relevant electricity generator with CPO Powers	VPI Immingham
	Eclipse Power Network Limited
	Last Mile Electricity Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Leep Electricity Networks Limited
	Murphy Power Distribution Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Ltd
	Vattenfall Networks Limited
Northern Powergrid (Northeast) Limited	
Northern Powergrid (Yorkshire) Plc	
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc

**TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))<sup>9</sup>**

LOCAL AUTHORITY <sup>10</sup>
West Lindsey District Council
Selby District Council
Ryedale District Council
Bassetlaw District Council
Scarborough District Council
North East Lincolnshire
North Lincolnshire
Doncaster Council
City of York Council
Hull City Council
East Riding of Yorkshire
Lincolnshire County Council
North Yorkshire County Council
Nottinghamshire County council

**TABLE A4: NON-PRESCRIBED CONSULTATION BODIES**

ORGANISATION
Royal National Lifeboat Institution

<sup>9</sup> Sections 43 and 42(B) of the PA2008

<sup>10</sup> As defined in Section 43(3) of the PA2008



## APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
The Coal Authority
The Environment Agency
Highways England
Historic England
Homes England
Health and Safety Executive
Hull City Council
Marine Management Organisation
Ministry of Defence
National Grid
Natural England
Network Rail
North Lincolnshire Council
Public Health England
Trinity House
West Lindsey District Council





The Coal  
Authority

Resolving the **impacts** of mining

200 Lichfield Lane  
Mansfield  
Nottinghamshire  
NG18 4RG  
T: 01623 637 119

E: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)  
[www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the attention of: Ms L Hicks: EIA Advisor  
on behalf of the Secretary of State

**[By email: [AbleMarineEnergyPark@planninginspectorate.gov.uk](mailto:AbleMarineEnergyPark@planninginspectorate.gov.uk)]**

01 February 2021

Dear Ms Hicks

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(the EIA Regulations) – Regulations 10 and 11**

**Application by Able Humber Ports Ltd (the Applicant) for an Order granting Development Consent for the (the Proposed Development)**

**Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

Thank you for your notification of 29 January 2021 on what relevant matters should be 'Scoped In' to any forthcoming Environmental Statement for the above site.

I have reviewed the plans against our coal mining information and can confirm that, whilst the site falls within the coalfield, it is located outside the defined Development High Risk Area; meaning that there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability for surface development.

Accordingly, if you consider that the application is EIA development, there is no requirement for the applicant to consider coal mining legacy as part of their Environmental Impact Assessment. In addition, there is no requirement to consult us on any subsequent planning application for this site.

Please do not hesitate to contact me if you require any further assistance with this matter.

Yours sincerely

D Roberts

**Deb Roberts** *M.Sc. MRTPI*

**Planning & Development Manager**

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

Ms Lucy Hicks  
EIA Advisor  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Our ref:** AN/2021/131445/01-L01  
**Your ref:** TR030006  
**Date:** 26 February 2021

Dear Madam

**Able Humber Ports Ltd - Material Change 2 Application, Scoping Opinion  
Marine Energy Park, Killingholme Marshes, North Lincolnshire**

Thank you for consulting us on the Environmental Impact Assessment (EIA) Scoping Report, in connection with the above project on 29 January 2021.

We have reviewed the Scoping Report and have the following comments to make on it in respect of topics that fall within the Environment Agency's remit.

**Flood Risk**

Chapter 13 Drainage and Flood Risk is scoped out of the EIA update, the reason given is the quay levels will not be changed and so no likely change in flood risk. The document goes on to discuss the changes to climate change guidance that have occurred with Figures 5.2 and 5.3 in particular discussing the changes to sea level rise. The document has concluded that the effects that the 2010 projections for sea level rise are similar to the current Higher Central allowances. However, there is no consideration of the higher Upper End predictions for sea level rise. The guidance accompanying the allowances on gov.uk recommends not relying on a single allowance as this is likely to cause developments to under adapt to climate change - it recommends that both the Higher Central and the Upper End allowances are used in assessing flood risk.

Guidance on gov.uk also suggests that it may be appropriate to consider the H++ scenario for some aspects of nationally significant infrastructure projects. It is therefore our view that the impacts of climate change on sea level rise should be scoped into the EIA. Updated Humber Extreme Water levels have also now been produced which should be incorporated into an updated Chapter 13. Any changes in flood risk will need to be considered carefully in the context of how this could alter overtopping rates on the Quay Strategic Flood Defences and the standard of protection relating to the flood defences that is required under Able's legal agreement with the Environment Agency. Whilst the revised proposals have confirmed that the level of the quay has not been changed if there are any future revisions the impacts of this will also need to be carefully considered.

The document has already referred to potential changes in tide levels resulting from the changed design being scoped into the updated EIA, which adds weight to the argument that Chapter 13 Drainage and Flood Risk should be scoped in. Again, please note our comment above regarding updated Humber Extreme Water Levels now being available.

We support the inclusion of sediment transport being included in the updated EIA in keeping with the original Environmental Statement. We note that it states in paragraph 6.8 that the updated sediment modelling will be using the updated UKCP18 guidance for sea level rise.

### **Sediment volumes**

We have found table 3 confusing. We understand the application is to retain the sediment removed below 2,150,000 as approved in the Development Consent Order (DCO) schedule 8 paragraph 11(2).

From Table 3, we take

- the consented disposal volumes to be the ones in column two referred to as Consented Tonnes, but with estimates of volumes in brackets. This is the data upon which the original DCO was assessed and therefore what is the comparator now.
- Column 3 of Volumes Using Updated Bathymetry for the Consented Scheme is not the consented volumes upon which the DCO was assessed and given.
- Column 4 is the actual up-to-date volumes that are being varied through this amendment to the DCO.
- All of our comments are based on this interpretation, which also aligns with the statement in 2.12, which states “the change requires no increase in the consented disposal volumes.”

From this last statement and Table 3 it is seen there are increases in this scoping document to the disposal volumes from the reclamation area but elsewhere this decreases. So, the overall sediment planned for disposal does not exceed the total of the estimated volumes of the original consent.

This given, we have the following examples of confusing points (although there are more than these):

Table 7, row 10 pg46 on Habitat and benthic community disturbance from the sediment plume. States “The total volume of capital dredging will remain well within the limit consented by the DCO.”

But then, Table 7, row 10 pg47, on Indirect changes to habitats from project-induced changes in hydrodynamic and morphodynamic regimes, states “*There will be no change to the disposal sites used for the proposed works, however the overall disposal requirement will increase significantly.*” Is this referring to vessel activity or disposal volumes?

Table 7, row 10, pg 47 on Disturbance to fish and fish eggs/larvae from habitat loss and disturbance states “*There will be a small increase in the dredging activity overall and a significant potential increase in disposal.*” Is this referring to vessel activity or disposal volumes?

Table 7, row 8, pg43, on Dispersion of sediment during capital dredging and reclamation, states “*The 288m western quay section is to be brought 61m closer to*

shore at the northern end of the quay. The small inset dock to the southern end is no longer required however, so the reduced dredging here partially offsets the increase resulting from the amended quay. The net effect, based on recent bathymetric data equates to approximately 30,000m<sup>3</sup> of additional capital dredging.” We cannot see where the 30,000 value comes from the data provided in Table 3.

It is not clear where these differing analyses come from as they suggest a situation or increased or decreased overall dredged volumes. But If we are looking at an increase in sediment dredging volumes, then the items already scoped in continue to be scoped in, and nothing appears to be missing, although the EIA needs to make the assessment on the correct information and provide this more clearly.

Table 7 Row 10pg 46 on Disturbance to fish from construction activity noise and vibration due to dredging, states *there will only be a minor increase in overall capital dredging, which will not materially affect the dredging requirements. As such this will not lead to any material change in the magnitude of this impact and so the significance of effect will not change. This is therefore scoped out of the updated ES.*

Clarification should be given on overall change in capital dredging volume, as was said earlier the situation is confusing. If this cannot be justified more clearly it should be scoped in.

#### **Alteration in piling design –retaining slab removed**

No materially different construction operations are stated. However, the changes to piling design may need to be considered if this is a significant change to duration of piling. It is not stated if piling activity will increase given that the piling for the retaining slab is being replaced with tubular piles. This will need to be confirmed, before scoping out, otherwise it should remain scoped in.

This conclusion would impact on the assessment of Table 10, row 10 on Disturbance to fish from habitat loss and construction activity noise and vibration - Where it states “*the proposed change does not result in any new or additional sources of noise or vibration beyond those previously assessed, nor does it result in any effects on areas which would not otherwise have been subject to disturbance. As such there can be no material change in the magnitude of the effect from that previously assessed. Impacts on fish have currently been scoped out of the updated ES*”.

#### **Cumulative effects in relation to other planning permissions**

On Table 6, the South Humber Bank Energy Centre is a current application within the same lower Humber waterbody on the same bank. While it is approximately 7km down the estuary. The statement that this is too remote to give rise to cumulative impact is insufficient consideration when considered at a waterbody level. Please note that a similar distance from the development is the Stallingborough interchange, yet this was considered cumulatively. We request that this be scoped in or more information provided to justify scoping it out.

#### **Assessment Methodology**

The revisions to the DCO would require revisions to the Water Framework Directive (WFD) assessment. Some aspects required for WFD are not included in the methodology section, namely:

6.1.1 Sensitive areas listed do not encompass all the sensitive habitats considered in [WFD](#) as these also include subtidal soft sediments which will be relevant in this area. All sensitive habitats need to be considered.

6.13 Water and Sediment quality Assessment methodology - This refers to updated sampling results (which will be discussed and reported as detailed in the updates to Chapter 7). This chapter only refers to Cefas action levels, which are used in dredge assessment for disposal but are not all those used to assess environmental requirements for waters at the dredged area. The WFD assessment approach used in Clearing the Waters should be employed. See [Water Framework Directive assessment: estuarine and coastal waters - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/282222/Water_Framework_Directive_assessment_estuarine_and_coastal_waters.pdf). Release of contaminants through sediment disturbance should consider both if:

- chemicals are on the [Environmental Quality Standards Directive \(EQSD\) list](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/282222/Water_Framework_Directive_assessment_estuarine_and_coastal_waters.pdf) or if
- activity disturbs sediment with contaminants above [Cefas Action Level 1](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/282222/Water_Framework_Directive_assessment_estuarine_and_coastal_waters.pdf).

6.30 Cumulative Impacts - The WFD assessment also requires the applicant to consider other activities that could affect the same receptors. The applicant must consider the effect of their activity combined with these other activities.

In summary, we need consistency and clarity with the terms used with regards to the change in dredging volumes. Changes in activities need to be considered correctly and with further evidence with regards to fish which are in part scoped in, and in others scoped out. Inclusion of an up to date WFD assessment should allow us to clearly understand what is being impacted both directly and indirectly, and mitigation suggested to overcome this. Despite the challenges with the descriptions of the impacts, we welcomed what has remained scoped in as needing further consideration.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

**Annette Hewitson**  
**Principal Planning Adviser**

Direct dial [REDACTED]

Direct e-mail [REDACTED]@environment-agency.gov.uk

**From:** [REDACTED]  
**To:** [Able Marine Energy Park](#); [REDACTED]  
**Cc:** [REDACTED]; [Spatial Planning](#)  
**Subject:** TR030006 – Able Marine Energy Park Material Change 2  
**Date:** 24 February 2021 14:57:27  
**Attachments:** [PINS - TR030006 - DevHU0046 - AMEP - TM001 CH2M Review \(JP Issued\).pdf](#)

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Highways England have been consulted regarding a Scoping Opinion to inform an updated Environmental Statement [ES] to accompany a material change application for proposed changes to the scheme consented under the Able Marine Energy Park [AMEP] Development Consent Order 2014 [DCO]. This Scoping Report has been produced as the applicant is now seeking to amend the authorised development as detailed within the DCO.

Having reviewed the information provided within the Scoping Report, Highways England concur with the rationale that traffic and transport is to be scoped out of the updated Environmental Statement. As such, Highways England can support the Scoping Report as presented. On the basis of the information presented, Highways England would have no objection to the material change within the development proposals.

Please contact me if I can assist further with this matter.

During the Coronavirus Pandemic in common with many of my colleagues I am working from home and no messages should be left on the Lateral Phone Number.

My **personal** mobile number is given below but this should only be given out to direct stakeholders with a business need.

**Simon Geoghegan, Planning and Development**

Highways England | Lateral | 8 City Walk | Leeds | LS11 9AT

Tel: [REDACTED] **Mobile:** [REDACTED]

Web: <http://www.highways.gov.uk>

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**| National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park,**  
**Birmingham B32 1AF | [https://www.gov.uk/government/organisations/highways-](https://www.gov.uk/government/organisations/highways-england)**  
**[england](http://www.highways.gov.uk) | [info@highwaysengland.co.uk](mailto:info@highwaysengland.co.uk)**

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# Able Marine Energy Park – Material Change – EIA Scoping – CH2M Review

PREPARED FOR: Simon Geoghegan (CH2M)  
PREPARED BY: Jonathan Parsons (CH2M)  
DATE: 23<sup>rd</sup> February 2021  
PROJECT NUMBER: 679066.AA.20.20.22 DevHU0046  
DOCUMENT REF: TM001  
REVIEWED / APPROVED BY: Gavin Nicholson (CH2M)

## Task Overview

CH2M has been tasked by Highways England to review the Environmental Impact Assessment Scoping Report [the Scoping Report] prepared by Fairhurst on behalf of Able Humber Ports Limited to support a request for a Scoping Opinion from the Secretary of State.

It is stated that the Scoping Opinion is to inform an updated Environmental Statement [ES] to accompany a material change application for proposed changes to the scheme consented under the Able Marine Energy Park [AMEP] Development Consent Order 2014 [DCO].

The Scoping Report has been produced as the applicant is now seeking to amend the authorised development as detailed within the DCO. The proposed changes are summarised below:

- Changes to the proposed quay layout to reclaim the specialist berth at the southern end of the quay, and to set back the quay line at the northern end of the quay to create a barge berth;
- The addition of options to the form of construction of the quay whereby the piled relieving slab to the rear of the quay could be raised or omitted entirely (subject to detailed design), and the quay wall piles could be restrained with more conventional steel anchor piles and tie bars in lieu of flap anchors;
- A change to the approved diversion of footpath FP50 in North Lincolnshire to avoid crossing over the existing rail track at the end of the Killingholme Branch Line;
- Provision of a third cross dam within the reclamation area to enable staged completion and early handover of sections of the quay;
- A change to the consented deposit location for 1.1M tonnes of clay to be dredged from the berthing pocket, to permit its disposal at the HU082 deposit site if required; and,
- An amendment to the sequencing of the quay works to enable those works to commence at the southern end of the quay and progress northwards.

This Technical Memorandum [TM] has been produced by CH2M to assess the impact of the development proposals at the Strategic Road Network [SRN], namely the A160 and A180. This TM reviews the issues presented within the Scoping Report in the order in which they are presented, with a summary and conclusions provided at the end of this document.

## Scoping Report Review

It is stated within the Scoping Report that the DCO permits, inter alia, the development of a new quay and associated development at Killingholme in North Lincolnshire, on the south bank of the Humber estuary. The consented development on the south bank comprises a quay, reclaimed estuarine habitat and the provision of onshore facilities for the manufacture, assembly and storage of components relating to the offshore renewable energy sector.

In addition, the DCO further permits other associated development comprising environmental habitat on the north bank of the Humber, in the East Riding of Yorkshire.

The applicant is now seeking to amend the authorised development, and an application for a material change to the DCO is to be submitted under Schedule 6 of the Planning Act 2008 and Part 2 of the Infrastructure Planning (Changes to, Revocation of, Development Consent Orders) Regulations 2011. It is stated that the reasons for proposing a material change are discussed in full later in the Scoping Report, and this is considered later within this TM.

It is stated that an updated ES will therefore be submitted with the application for a material change to report the significance of any new or materially different impacts. As such, this scoping is welcomed by CH2M as it provides Highways England the opportunity to comment upon the contents of the ES, whilst avoiding any abortive work by the applicant.

## Proposed Changes

The Scoping Report states that the following changes and options are proposed to Work Plan No.1 within the DCO:

- The specialist berth at the southern end of the quay is to be reclaimed as the twin hulled vessel that was to use the facility has not been constructed and is not likely to be constructed;
- At the northern end of the quay, the quay line is to be set back 60m over a length of 288m to create a barge berth that will also allow end load in and load out of cargo;
- The option to install the piled relieving slab to the rear of the quay at the surface or to omit it altogether subject to detailed design; and
- The option to use anchor piles and tie rods instead of the proposed flap anchors in order to tie back the quay wall piles.

The following changes and options are proposed to Other Associated Development (Schedule 1 paragraph 3(a) to (h)):

- The dredging permissions are proposed to be changed to the extent necessary to dredge the berthing pockets and approaches for the amended quay line. The application will also propose amendments to the Deemed Marine Licence in Schedule 8 of the DCO and the amended volumes will be considered in the updated ES accompanying the material change application. Relevantly, the change requires no increase in the consented disposal volumes.

Diversion of Public Rights of Way:

- Schedule 5 of the DCO permits the diversion of two public footpaths. A minor change to the diversion of Footpath 50 is proposed to avoid crossing the Killingholme Branch railway where the line is still operational. The diversion route will be within the applicant's ownership up to the point where it crosses the railway, where the route will cross through Parcel 07001, as it does in the consented diversion.

Having reviewed the proposed changes set out within the Scoping Report, it is not considered by CH2M that they would have a severe impact at the SRN, over and above that has already been consented, and accepted by Highways England, through the DCO process.

## Reasons for Proposing a Material Change

It is stated that the proposed changes have been reviewed against the DCLG guidance “Planning Act 2008: Guidance on Changes to Development Consent Orders” (December 2015) which states that there are four key ‘characteristics’ which may indicate that a change is more likely to be considered material. In summary, these are that the change would:

- 1) Give rise to new, or materially different, likely significant effects on the environment which mean an updated ES is required;
- 2) Invoke a need for a Habitats Regulations Assessment or a new or an additional licence in respect of European Protected Species (the guidance suggests that applicants should consider discussing the need for a Habitats Regulations Assessment or a protected species licence with the appropriate statutory nature conservation body before any application for a change is prepared);
- 3) Authorise the compulsory acquisition of any land, or an interest in or rights over land, that was not authorised through the existing Development Consent Order; and/or
- 4) Impact local people and businesses sufficiently to indicate that the change should be considered as material.

It is stated in the Scoping Report that when considering the environmental impacts of the proposed changes, this exercise demonstrates that there may be potential for the proposal to give rise to some effects of a new or different nature to those assessed in the original ES, albeit these are likely to be limited in scope. As such, it is stated that without further detailed assessment it is not possible to categorically confirm whether these changes will be significant, therefore it is considered that an updated ES will be required as part of the DCO process.

The Scoping Report concludes that in summary, therefore, the proposed changes are at this stage considered to represent a material change to the DCO. Although it is stated that for the avoidance of doubt the changes are not so substantial that the project should be treated as a new project. The nature of the project is the same, it is to take place on the same land within the same timescales and will serve an identical purpose.

It is considered by CH2M that the information provided regarded the reasons for proposing a material change is welcomed and provides a context for the rationale behind the scoping presented.

## Updated Description of the Site and Surroundings

The Scoping Report states that the principal physical changes in the area immediately surrounding the AMEP site that have actually occurred since the original DCO application are:

- Improvements to the A160-A180 trunk road by Highways England in accordance with the A160-A180 (Port of Immingham Improvements) DCO;
- The demolition of the Centrica power station in 2017;
- The development of Hornsea One Onshore Substation (in accordance with the Hornsea One Offshore Wind Farm DCO 2014);
- The construction of a roundabout at the junction of Chase Hill Road and Eastfield Road pursuant to PA/2016/1254; and
- The development of biomass storage at the Port of Immingham and associated rail transport infrastructure.

It is noted that the A160-A180 improvement scheme is noted within the Scoping Report, a scheme which was implemented to improve capacity at this part of the SRN, as well as to ensure that the development proposals in this location – of which AMEP is one – can come forward.

## Likely Significant Effects and Proposed Scope of Updated Environmental Statement

It is stated that the material change application proposes changes to the marine development only and leaves the construction and operation of the associated terrestrial development unchanged. Given that the construction and operational elements of the development proposals have previously been accepted by Highways England, this clarity is welcomed by CH2M.

The Scoping Report states that there are no materially different receptors in the surrounding terrestrial areas; and as a consequence, those environmental effects presented in the original ES that relate solely to terrestrial components such as (for example) traffic generation and noise propagation, will not change and the original assessment does not need to be reviewed.

In addition, it is also stated that developers submitting major planning applications that followed AMEP, would have been required to consider the impacts of their scheme cumulatively with AMEP and there should be no need for any hindsight assessment of cumulative effects on terrestrial receptors.

### Traffic and Transport Assessment

The Scoping Report states that the amendments to the proposed design will not give rise to any new or different effects on vehicle flows, and as such, the estimates for construction traffic and operational traffic remain the same regardless of the proposed changes. However, the proposed diversion to the footpath results in a change to the length of the approved route and this aspect of this chapter will therefore be scoped into the updated ES.

CH2M concurs with the view reached within the Scoping Report.

## Proposed Assessment Methodology for the updated Environmental Statement

Given the above, it is stated that the potential for new or materially different effects to occur as a result of the proposed changes to the AMEP scheme should include updates specifically to the following chapters:

- Geology, Hydrogeology and Ground Conditions;
- Hydrodynamics and Sedimentary Regime;
- Water and Sediment Quality;
- Aquatic Ecology;
- Terrestrial Ecology and Birds;
- Commercial and Recreational Navigation;
- Traffic and Transport Assessment (footpath diversion only);
- Waste; and
- Cumulative Effects.

Given the above, it is considered by CH2M that this approach is acceptable.

## Summary and Conclusions

CH2M has been tasked by Highways England to review the Environmental Impact Assessment Scoping Report prepared by Fairhurst on behalf of Able Humber Ports Limited to support a request for a Scoping Opinion from the Secretary of State.

It is stated that the Scoping Opinion is to inform an updated Environmental Statement to accompany a material change application for proposed changes to the scheme consented under the Able Marine Energy Park Development Consent Order 2014.

The Scoping Report has been produced as the applicant is now seeking to amend the authorised development as detailed within the DCO. The proposed changes are summarised below:

- Changes to the proposed quay layout to reclaim the specialist berth at the southern end of the quay, and to set back the quay line at the northern end of the quay to create a barge berth;
- The addition of options to the form of construction of the quay whereby the piled relieving slab to the rear of the quay could be raised or omitted entirely (subject to detailed design), and the quay wall piles could be restrained with more conventional steel anchor piles and tie bars in lieu of flap anchors;
- A change to the approved diversion of footpath FP50 in North Lincolnshire to avoid crossing over the existing rail track at the end of the Killingholme Branch Line;
- Provision of a third cross dam within the reclamation area to enable staged completion and early handover of sections of the quay;
- A change to the consented deposit location for 1.1M tonnes of clay to be dredged from the berthing pocket, to permit its disposal at HU082 if required; and,
- An amendment to the sequencing of the quay works to enable those works to commence at the southern end of the quay and progress northwards.

Having reviewed the information provided within the Scoping Report, CH2M concur with the rationale that traffic and transport is to be scoped out of the updated Environmental Statement. As such, Highways England can support the Scoping Report as presented. On the basis of the information presented, it is considered by CH2M that Highways England would have no objection to the material change within the development proposals.



Direct Dial: [REDACTED]

Our Ref: PL00101262

Able Marine Energy Park  
The Planning Inspectorate  
Environmental Services  
Central Operations  
Temple Quay House  
1 The Square  
Bristol  
BS1 6PN

25 February 2021

Dear Ms Hicks

Thank you for consulting Historic England on the AMEP Quay Material Change Application - EIA Scoping Report, January 2021.

Within the submitted Scoping Report, Table 7: Change in Environmental Effects as a Result of Proposed Changes to the Development suggests that the Historic Environment is scoped out of the updated Environmental Statement as 'the works are covered by a Written Scheme of Investigation (WSI) requiring investigations and mitigation measures in order to appropriately assess and conserve any archaeological material that is discovered'. The WSI to which this refers in the Wessex Archaeology Written Scheme of Investigation: Coastal and Marine, March 2012, Ref: 76490.02.

Within the WSI a number of Design Phase Investigations (section 5.1) were outlined including:

- review of existing geophysical data;
- acquisition and interpretation of additional geophysical data;
- geoarchaeological investigation, including the development of a deposit model taking account of previous work;
- additional documentary research notably into the brick and tile yards and historic shipping records relating to the anchorage of Whitebooth Roads (off Killinghome);
- Investigation of unidentified foreshore sites;
- Diver-based investigations of geophysical anomalies;
- Development of dredge reporting protocol.

These design phase investigations would then inform the pre-construction investigations which could include:

- archaeological excavation; and



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6888  
HistoricEngland.org.uk





- recording and recovery of archaeologically important material.

It is Historic England's understanding that the scheme is sufficiently progressed that the design phase investigations, and possibly some of the pre-construction investigations, should have been undertaken. Thus there will be a greater knowledge base on which to make an assessment of the material changes on the Coastal and Marine Historic Environment.

Historic England therefore disagrees with scoping out the Coastal and Marine elements of the Historic Environment and encourage that this reassessment be included within the revised Environmental Statement.



Alison MacDonald

Assistant Inspector of Ancient Monuments

E-mail: [REDACTED]@HistoricEngland.org.uk



THE AXIS 10 HOLLIDAY STREET BIRMINGHAM B1 1TF

Telephone 0121 625 6888  
HistoricEngland.org.uk





Homes  
England

Making homes happen

**BY EMAIL: AbleMarineEnergyPark@planninginspectorate.gov.uk**

**Date: 26<sup>th</sup> February 2020**

Dear Sir / Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2017(the EIA Regulations)  
– Regulations 10 and 11**

**Application by Able Humber Ports Ltd (the Applicant) for an Order granting  
Development Consent for the (the Proposed Development)**

**Scoping consultation and notification of the Applicant's contact details and  
duty to make available information to the Applicant if requested**

**Reference: TR030006**

I would firstly like to thank you for the opportunity to comment on the consultation relating to Able Humber Ports Ltd.'s submission under the aforementioned regulations.

Homes England is the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. By releasing more land to developers who want to make a difference, we're making possible the new homes England needs, helping to improve neighbourhoods and grow communities.

Homes England does not wish to make any representations on the subject project at this time.

We will consider any further consultation requests, as appropriate.

Lateral  
8 City Walk Leeds  
LS11 9AT

0300 1234 500  
@HomesEngland  
[www.gov.uk/homes-england](http://www.gov.uk/homes-england)

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Yours Faithfully



Marie Kiddell  
Head – Planning & Enabling  
Development Directorate: Northern Division

Lateral  
8 City Walk Leeds  
LS11 9AT

0300 1234 500  
@HomesEngland  
[www.gov.uk/homes-england](http://www.gov.uk/homes-england)

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Lateral  
8 City Walk Leeds  
LS11 9AT

0300 1234 500  
@HomesEngland  
[www.gov.uk/homes-england](http://www.gov.uk/homes-england)

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CEMHD - Land Use Planning,  
NSIP Consultations,  
Building 1.2,  
Redgrave Court,  
Merton Road,  
Bootle, Merseyside  
L20 7HS.

HSE email: [NSIP.applications@hse.gov.uk](mailto:NSIP.applications@hse.gov.uk)

FAO Lucy Hicks  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN  
By email only

Dear Ms Hicks,

10 February 2021

**PROPOSED Able Marine Energy Park Material Change 2 (the project)  
PROPOSAL BY Able Humber Ports Limited (the applicant)  
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as  
amended) REGULATIONS 10 and 11**

Thank you for your letter of the 29 January 2021 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

**HSE's land use planning advice**

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records there are five major accident hazard sites and one major accident hazard pipeline within the proposed DCO application boundary of the proposed Able Marine Energy Park Material Change 2 for this Nationally Significant Infrastructure Project.

This is based on the current configuration as illustrated in, for example, Figure 4.4: Major Developments Consented in the vicinity of AMEP since the DCO Application of the AMEP Quay Material Change Application - EIA Scoping Report January 2021

The major accident hazard sites are:

HSE reference H0424 operated by Total Lindsey Oil Refinery Ltd  
HSE reference H1740 operated by Humber LPG Terminal (operated by Phillips 66 Ltd)  
HSE reference H3220 operated by Humber Sea and Land Services  
HSE reference H3240 operated by Simon Warehousing Services  
HSE reference H3691 operated by CLCH pipeline services

The major accident hazard pipeline is:

HSE reference 7046 operated by Cadent Gas; Killingholme / Scowby

HSE's Land Use Planning advice would be dependent on the location of areas where people may be present. When we are consulted by the Applicant with further information under Section 42 of the Planning Act 2008, we can provide full advice

### Hazardous Substance Consent

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will probably require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015 as amended.

HSC would be required to store or use any of the Named Hazardous Substances or Categories of Substances at or above the controlled quantities set out in Schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

### Consideration of risk assessments

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 Annex on the Planning Inspectorate's website - [Annex G – The Health and Safety Executive](#). This document includes consideration of risk assessments on page 3.

### Explosives sites

HSE has no comment to make as there are no licensed explosives sites in the vicinity.

### Electrical Safety

No comment from a planning perspective.

During lockdown, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at [nsip.applications@hse.gov.uk](mailto:nsip.applications@hse.gov.uk). We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely,

Monica

Monica Langton  
CEMHD4 NSIP Consultation Team

Your Ref: TR030006

Our Ref:

Contact Officer: Simon Mounce

Telephone:

Email: [REDACTED]@hullcc.gov.uk

Textphone: 01482 300 349

Date: 26<sup>th</sup> February 2021

Lucy Hicks  
EIA Advisor  
on behalf of the Secretary of State  
Environmental Services  
Central Operations  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

Dear Lucy

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) –  
Regulations 10 and 11**

**Application by Able Humber Ports Ltd (the Applicant) for an Order granting  
Development Consent for the (the Proposed Development)**

**Scoping consultation and notification of the Applicant's contact details and  
duty to make available information to the Applicant if requested**

Thank you for consulting Hull City Council inviting comments on this scoping consultation

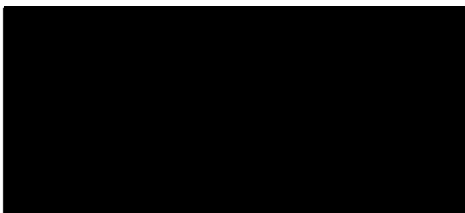
The scale of the changes are overall, relatively small in relation to the original consented design. We agree that the proposed change represents an EIA development and the changes have the potential to give rise to some significant effects of a new or different nature to those reported and we welcome the updated Environment Statement. In regards to the Habitats Regulations Assessment (HRA), we are encouraged to see that hydrodynamic and morphodynamic effects have been scoped in to the updated Appropriate Assessment along with an assessment of the subsequent impacts on SPA qualifying bird species. We also welcome the list of topics scoped into the HRA

Due to the scale of the proposal, the cumulative (and associated in-combination effects under Habitats Regulations Assessment) assessment's scope should be widened to include other projects consented in the middle estuary not just those in the immediate vicinity. Particular projects of note should include those that have impacted on tidal and sub-tidal habitats. The ES fails somewhat to acknowledge the connectivity of the Humber. There are several major developments, strategies and plans that have potential to impact the middle estuary and these should be scoped in for consideration particularly where there's an impact on the marine environment or project timescales may crossover therefore recommend direct ornithological disturbance should be considered cumulatively (and in association with in-combination effects under Habitats Regulations Assessment).

The ES reports that planning consents within and near the compensation site issued since the original ES have been considered and these are limited to 'agricultural buildings and minor domestic alterations', however, the scope of this assessment fails to be wide enough as it does not take into account the consented Outstrays to Skeffling managed realignment which is 8km southeast of the proposed Able Marine compensation site at Cherry Cobb Sands. Consideration should, as above, be given to timings of works where crossover of timing may exacerbate temporary impacts on ornithological receptors. Recommend update of relevant chapters of the ES.

Consultation needs to be undertaken with relevant bodies with an interest in the Humber to inform the Able Marine revised HRA, particularly the Environment Agency and MMO.

Yours sincerely



John Craig MRTPI  
Head of Planning  
Hull City Council  
2nd Floor, Guildhall  
Alfred Gelder Street  
Hull  
HU1 2AA



Marine  
Management  
Organisation

Marine Licensing  
Lancaster House  
Hampshire Court  
Newcastle upon Tyne  
NE4 7YH

T +44 (0)300 123 1032  
F +44 (0)191 376 2681  
[www.gov.uk/mmo](http://www.gov.uk/mmo)

Ms. Lucy Hicks  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN  
(by email only)

MMO Reference: DCO/2013/00020  
Your Reference: TR030006

26 February 2021

Dear Ms. Lucy Hicks,

**Formal scoping request under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 for the updated Environmental Statement for proposed changes to the scheme consented under The Able Marine Energy Park Development Consent Order 2014 (Statutory Instrument 2014 No. 2935), ('the DCO').**

Thank you for your scoping opinion request of 29 January 2021 and for providing the Marine Management Organisation (MMO) with the opportunity to comment on The Able Marine Energy Park updated Environmental Statement scoping request.

**The MMO's role in Nationally Significant Infrastructure Projects**

The MMO was established by the Marine and Coastal Access Act 2009 (the "2009 Act") to contribute to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas. The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence<sup>1</sup>. Inshore waters include any area which is submerged at mean high water spring ("MHWS") tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area. In the case of Nationally Significant Infrastructure Projects ("NSIPs"), the 2008 Act enables Development Consent Order's ("DCO") for projects which affect the marine environment to include provisions which deem marine licences<sup>2</sup>.

As a prescribed consultee under the 2008 Act, the MMO advises developers during preapplication on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction,

<sup>1</sup> Under Part 4 of the 2009 Act

<sup>2</sup> Section 149A of the 2008 Act



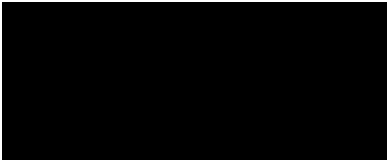
deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works. Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence (“DML”) enable the MMO to fulfil these obligations. Further information on licensable activities can be found on the MMO’s website<sup>3</sup>. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note<sup>4</sup>.

Please find attached the scoping advice of the MMO. In providing these comments, the MMO has sought the views of our technical advisors at the Centre for Environment, Fisheries and Aquaculture Science (Cefas).

The MMO reserves the right to make further comments on the project throughout the preapplication process and may modify its present advice or opinion in view of any additional information that may come to our attention. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

If you require any further information, please do not hesitate to contact me using the details provided below.

Yours Sincerely,



Katherine Blakey

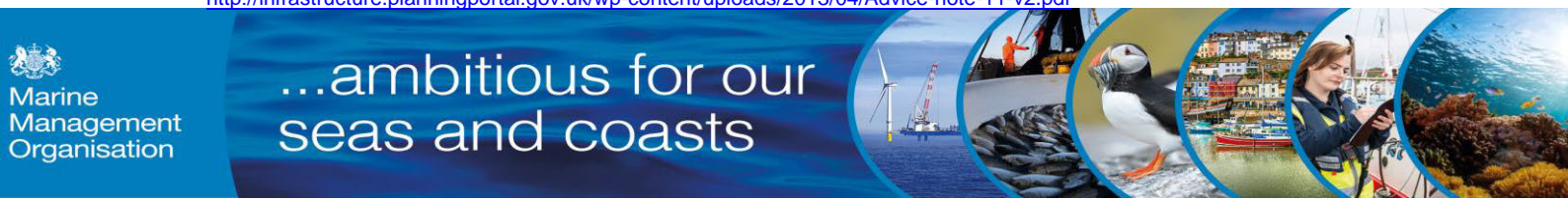
Marine Licensing Case Officer

D: [Redacted]

E: [Redacted]@marinemanagement.org.uk

<sup>3</sup> <https://www.gov.uk/planning-development/marine-licences>

<sup>4</sup> <http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-11-v2.pdf>





# MMO response to the Environmental Impact Assessment Scoping consultation under Regulations 10 and 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)

Title: The Able Marine Energy Park Development Consent Order 2014 Updated Environmental Statement

Applicant: Able UK Limited

MMO Reference: DCO/2013/00020

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# 1 Proposal

This is a Scoping Opinion to inform an updated Environmental Statement for proposed changes to the scheme consented under The Able Marine Energy Park Development Consent Order 2014 (Statutory Instrument 2014 No. 2935), ('the DCO').

## 1.1 Project Background

The DCO permits the development of a new quay and associated development at Killingholme in North Lincolnshire, on the south bank of the Humber Estuary. The development on the south bank comprises a quay, reclaimed estuarine habitat and the provision of onshore facilities for the manufacture, assembly and storage of components relating to the offshore renewable energy sector. The DCO further permits other associated development comprising environmental habitat on the north bank of the Humber, in the East Riding of Yorkshire. The Applicant (Able Humber Ports Limited) is now seeking to amend the authorised development. The proposed changes in the marine environment are:

- Changes to the proposed quay layout to reclaim the specialist berth at the southern end of the quay, and to set back the quay line at the northern end of the quay to create a barge berth;
- The addition of options to the form of construction of the quay whereby the piled relieving slab to the rear of the quay could be raised or omitted entirely (subject to detailed design), and the quay wall piles could be restrained with more conventional steel anchor piles and tie bars in lieu of flap anchors;
- A change to the approved diversion of footpath FP50 in North Lincolnshire to avoid crossing over the existing rail track at the end of the Killingholme Branch Line;
- Provision of a third cross dam within the reclamation area to enable staged completion and early handover of sections of the quay;
- A change to the consented deposit location for 1.1M tonnes of clay to be dredged from the berthing pocket, to permit its disposal at HU082 if required; and,
- An amendment to the sequencing of the quay works to enable those works to commence at the southern end of the quay and progress northwards.

An application for a material change to the DCO is to be submitted under Schedule 6 of the Planning Act 2008 and Part 2 of the Infrastructure Planning (Changes to, Revocation of, Development Consent Orders) Regulations 2011.

## 2 Location

The Able Marine Energy Park is located east of North Killingholme, within North Lincolnshire, on the south bank of the River Humber, which is displayed in Figure 1 below.

**Figure 1: ABLE Marine Energy Park boundary**



### 3 Environmental Impact Assessment (EIA)

The proposed change is considered to represent EIA development as it meets the definition of Schedule 2 development set out in The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“the EIA Regulations”); namely, that it is a change to a Schedule 1 development, where that development is already authorised (by virtue of the AMEP DCO), and the changes have the potential to give rise to some significant effects of a new or different nature to those reported in the Environmental Statement (“ES”) accompanying the original application.

An updated ES will therefore be submitted with the application for a material change, to report the significance of any new or materially different impacts. The request for a Scoping Opinion was submitted under regulations 10(2) and (4) of the EIA Regulations.

### 4 Scoping Opinion

The MMO agrees with the topics outlined in the Scoping Report and in addition, we outline that the following aspects be considered further during the EIA and included in any resulting Environmental Statement (ES).

## 4.1 General Comments

- 4.1.1. Table 3 details what is consented by the current DCO and what is proposed, however it is unclear from the table what the final revised figure is for the breakdown between dredge areas and/or what disposal sites will be used for the disposal of material. It is noted that in paragraph 2.29 the applicant states “there will be no proposed change to the overall tonnage consented or the dredging methods”, however, the MMO understand that the applicant proposes to dispose of 1.1M tonnes of clay dredged from the berthing pocket, to Sunk Dredged Channel A HU082, which would represent a change in methodology. A further breakdown and clarification of the dredge areas, volumes and proposed disposal sites will be required in the final ES.
- 4.1.2. Given the nature of the scoping report, the description of the baseline is adequate. However, the results of any sampling regime, including mapped sample locations and contaminant and physical data must be presented in the final ES.

## 4.2 Nature Conservation

- 4.2.1. The MMO defers to Natural England as the Statutory Nature Conservation Body (SNCB) on the suitability of the scope of the assessment with regards to Marine Protected Areas.

## 4.3 Benthic Ecology

- 4.3.1 The proposed changes and how they may have implications for potential ecological impacts are clear. The description of the ecological baseline has not been updated within the scoping report. An updated baseline must be provided within the updated ES.
- 4.3.2 Table 7 (Section 5) clearly indicates the impacts which may change as a result of the change in the project, and how these impacts have implications for the various receptors. For marine benthic invertebrate receptors, the MMO consider this appraisal to have been suitably conducted. The MMO consider this to be sufficiently precautionary and the assessment within the subsequent ES will provide the detailed outcomes regarding the significance of the proposed changes.

## 4.4 Coastal Processes

- 4.4.1 The MMO consider that the approach of the scoping assessment and data gathering used by the applicant to be appropriate. However, the ES must ensure that there is adequate characterisation and assessment of the amended disposal operations and impacts on the disposal area to allow the new quantity to be disposed at HU082. The applicant should discuss the characterisation and assessment requirements directly with the MMO.

4.4.2 The scoping assessment states that “*the net effect of the change is that marginally less land would be reclaimed from the estuary. Nevertheless no changes are proposed to the compensation measures located at Cherry Cobb Sands that are already consented, for the loss of intertidal mudflat and other estuarine habitat*”. Identification of any further mitigation requirements would form part of the EIA process and are not expected at this stage of the application. However, the ES must include an assessment of mitigation measures including residual effects.

## **4.5 Seascape / Landscape**

4.5.1 The MMO defers to Historic England, Natural England (as the SNCB) and relevant local planning authorities on the suitability of the scope of the assessment with regards to Seascape and Landscape.

## **4.6 Fish Ecology and Fisheries**

4.6.1 The proposed changes and how they may have implications for potential ecological impacts are clear. The description of the ecological baseline has not been updated within the scoping report. An updated baseline must be provided within the updated ES.

4.6.2 Based on the information presented within the EIA Scoping Report the MMO are currently not able to support the scoping out of disturbance to fish from noise and vibration from construction activity. The MMO assessed fisheries for the AMEP project in 2018 in relation to a request to increase the pile size and temporal mitigation was applied which limits the hours/days when piling is permitted. However, given that it is suggested within this scoping report that larger diameter piles are now being considered for the front wall piles, it is unclear from the information contained within the scoping report whether the new size of piles were covered within the last assessment in 2018. Therefore, the MMO expect the impacts of noise and vibration from piling activity to be included in the EIA, including any mitigation required, unless appropriate evidence is presented that demonstrates that the proposed piling activity does not exceed that which was already assessed previously.

## **4.7 Shellfish**

- 4.7.1 The proposed changes and how they may have implications for potential ecological impacts are clear. The description of the ecological baseline has not been updated within the scoping report. An updated baseline must be provided within the updated ES.
- 4.7.2 Relevant impacts have been scoped in and are detailed in Table 7 of the Scoping Report. This indicates the impacts which may change because of the change in the project and how these impacts have implications for the various receptors. Due to the low levels of commercial fishing for shellfish in this area the MMO consider this appraisal to have been suitably conducted.
- 4.7.3 The MMO request consideration to be made as to whether any mitigation is required as part of the EIA process.

## **4.8 Navigation / Other Users of the Sea**

- 4.8.1 The MMO defers to the Maritime Coastguard Agency (MCA) and Trinity House on the suitability of the scope of the assessment with regards to navigation of vessels.

## **4.9 Water Quality**

- 4.9.1 The MMO defers to The Environment Agency on the suitability of the scope of the assessment with regards to water quality.

## **4.10 Archaeology / Cultural Heritage**

- 4.10.1 The MMO defers to Historic England on the suitability of the scope of the assessment with regards to Archaeology and Cultural Heritage impacts.

## **4.11 Population and Human Health**

- 4.11.1 The MMO defers to the Local Authority and Public Health England on the suitability of the scope of the assessment with regards to population and human health impacts.

## **4.12 Risk of Major Accidents and Disasters Relevant to the Project (including those caused by Climate Change)**

- 4.12.1 The MMO defers to the Environment Agency on the suitability of the scope of the assessment with regards to risk of major accidents and disasters relevant to the project; specifically flood risk.

## 4.13 Cumulative Impacts & In-Combination Impacts

4.13.1 In Table 6, the South Humber Bank Energy Centre is a current application within the same lower Humber waterbody on the same bank. While it is approximately 7km down the estuary, the statement that this is too remote to give rise to cumulative impact shows insufficient consideration when considered at a waterbody level. Please note that a similar distance from the development is the Stallington interchange, which has been considered cumulatively. The MMO request that this be scoped in or more information is provided to justify scoping it out.

## 5 Conclusion

The topics highlighted in this advice should be assessed during the EIA process and the outcome of these assessments documented in the ES in support of the Material Change application to the Development Consent Order. This statement, however, should not necessarily be seen as a definitive list of all EIA requirements. Given the scale and programme of these planned works other work may prove necessary.

Katherine Blakey



Marine Case Officer

26 February 2021



# Ministry of Defence

The Planning Inspectorate  
3M Kite, Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN  
England

# Defence Infrastructure Organisation

Safeguarding Department  
Statutory & Offshore

Defence Infrastructure Organisation  
Kingston Road  
Sutton Coldfield  
West Midlands  
B75 7RL

Tel: [REDACTED]

Your reference: TR030006

**E-mail:** [DIO-safeguarding-statutory@mod.gov.uk](mailto:DIO-safeguarding-statutory@mod.gov.uk)

[www.mod.uk/DIO](http://www.mod.uk/DIO)

Our reference: 10050650

16 February 2021

Dear Lucy Hicks,

## **MOD Safeguarding – Site Outside Safeguarding Area**

**Proposal:** Able Marine Energy Park Material Change 2 – EIA Scoping Notification and Consultation / Reg 11 Notification

**Location:** Able Marine Energy Park, East of North Killingholme, North Lincolnshire

**Grid Ref's:** **517040, 418511**

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office 29/01/2021.

This application relates to a site outside of Ministry of Defence safeguarding areas.

I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely

Mr Michael Billings  
Assistant Safeguarding Manager



Anne Holdsworth  
DCO Liaison Officer  
Land & Business Support

██████████@nationalgrid.com

Tel: ██████████

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:  
AbleMarineEnergyPark@planninginspectorate.gov.uk

22 February 2021

Dear Sir/Madam

**APPLICATION ABLE HUMBER PORTS (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE ABLE MARINE ENERGY PARK MATERIAL CHANGE 2 (PROPOSED DEVELOPMENT)**

**SCOPING CONSULTATION REPONSE**

This is a response on behalf of National Grid Electricity Transmission PLC (NGET). I refer to your letter dated 29<sup>th</sup> January 2021 in relation to the above proposed application. Having reviewed the scoping report, I would like to make the following comments:

**National Grid infrastructure within / in close proximity to the order boundary**

**Electricity Transmission**

National Grid Electricity Transmission has a high voltage electricity overhead transmission line within the scoping area. The overhead line forms an essential part of the electricity transmission network in England and Wales.

Overhead Line

2AJ 400 kV OHL    Creyke Beck – Humber Refinery – Keadby  
Humber Refinery - Killingholme

I enclose a plan showing the location of National Grid's apparatus in the scoping area.

There are no assets in the proposed areas for the Material Change 2 shown on Plan AME-036-00001.

## Specific Comments – Electricity Infrastructure:

- National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004)”.
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above.

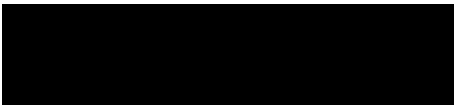
- National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

To download a copy of the HSE Guidance HS(G)47, please use the following link:

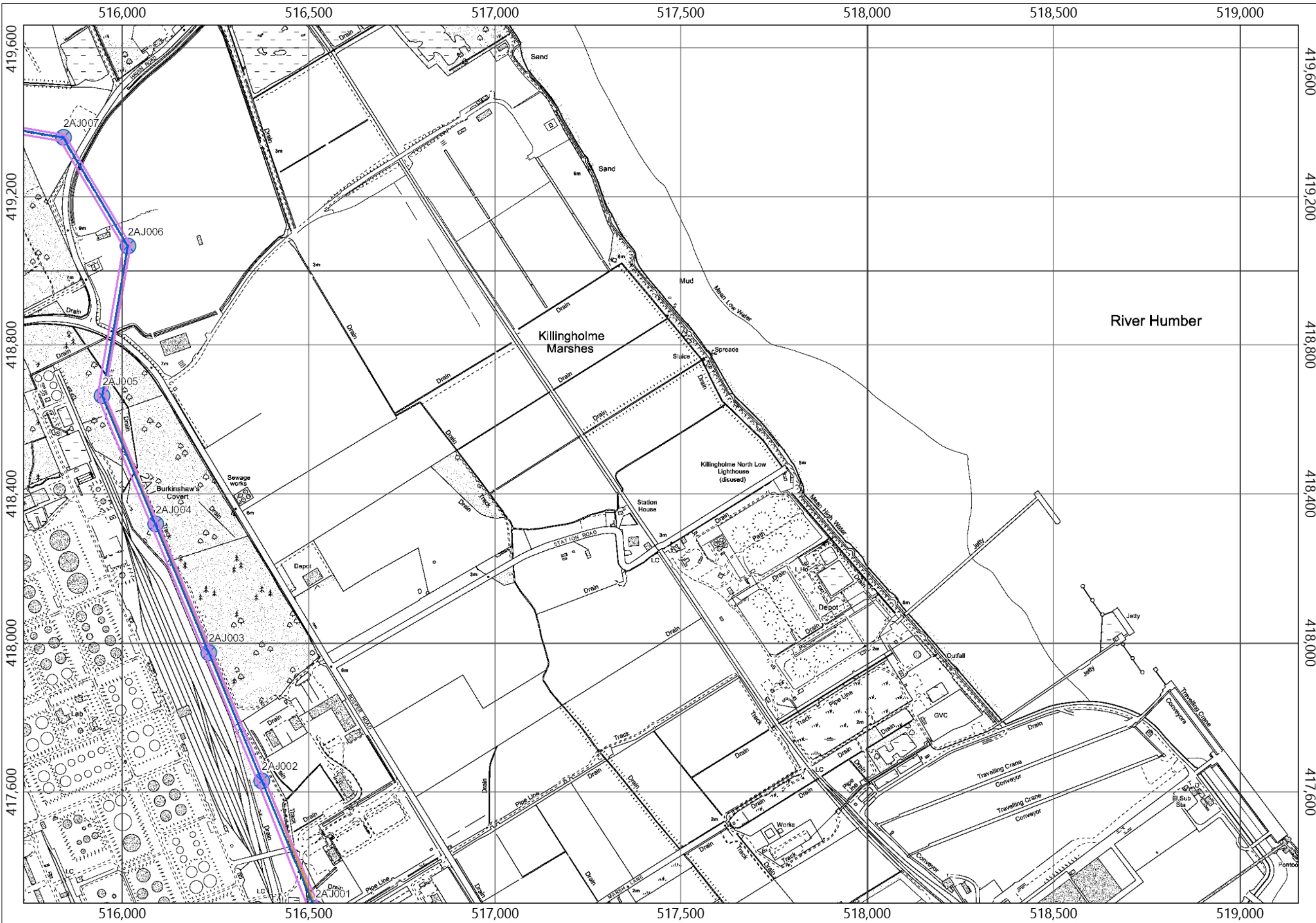
<http://www.hse.gov.uk/pubns/books/hsg47.htm>

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity customer services.



**Anne Holdsworth**  
**DCO Liaison Officer, Land and Acquisitions**



**Legend:**

- Substations Commissioned
- Commissioned Circuits
- Decommissioned Group
- Planned and Spares
- OHL 400kV Commissioned
- OHL 275kV Commissioned
- OHL 132kV & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Pillar
- Oil Tank
- Link Box
- Gauge
- Joint Bay
- Cable Joint
- Oil Pipe
- Cooling Pipe
- Cooling Station
- RAMM
- Cable Tunnel
- Gas Operational Boundary
- Gas Site Boundary
- Trial Hole
- Vantage Point
- Aerial Marker Post
- Pipe Crossing Point
- CP Test Post
- Transformer Rectifier
- Pipeline Crossing
- Sleeve
- Nitrogen Sleeve
- Other Sleeves
- Pipe Line Control Point
- Named Pipeline Section
- River Crossings

**Notes:**  
 Able Marine Energy Park Material Change 2



Date: 17 February 2021  
Our ref: 341789  
Your ref: TR030006



Ms. Lucy Hicks  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

T 0300 060 3900

Dear Ms. Lucy Hicks

**Environmental Impact Assessment Scoping consultation (Regulations 10 and 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations):** proposed Able Marine Energy Park Material Change 2 (Quay)  
**Location:** Marine Energy Park, North Killingholme, North Lincolnshire

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 29 January 2021.

Natural England is a non-departmental public body. Our statutory 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.

Case law<sup>1</sup> and guidance<sup>2</sup> has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

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.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter please contact Hannah Gooch at [Hannah.Gooch@naturalengland.org.uk](mailto:Hannah.Gooch@naturalengland.org.uk) or 02082 258503.

Yours sincerely

Hannah Gooch  
Yorkshire and Northern Lincolnshire Area Team,  
Natural England

---

<sup>1</sup> Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

<sup>2</sup> *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

## **Annex A – Advice related to EIA Scoping Requirements**

### **1. General Principles**

Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

### **2. Biodiversity and Geology**

#### **2.1 Ecological Aspects of an Environmental Statement**

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

#### **2.2 Internationally and Nationally Designated Sites**

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition paragraph 176 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)

an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

### **Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)**

The development site is in close proximity to the following designated nature conservation site(s):

- Humber Estuary Special Protection Area (SPA)
- Humber Estuary Special Area of Conservation (SAC)
- Humber Estuary Ramsar
- Humber Estuary Site of Special Scientific Interest (SSSI)
- North Killingholme Haven Pits SSSI

Further information on the SSSIs and their special interest features can be found at [www.magic.gov.uk](http://www.magic.gov.uk). The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the Humber Estuary SPA, SAC, Ramsar and SSSI sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

European site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

### **2.3 Regionally and Locally Important Sites**

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

### **2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)**

The ES should assess the impact of all phases of the proposal on protected species (including, for example, birds, water voles, great crested newts, reptiles, badgers and bats). Natural England does not hold information on the location of significant populations of protected species, but advises on the procedures and legislation relevant to such species. You must provide sufficient information for the Examining authority/ Secretary of State to assess whether protected species are likely to be effected and, if so, whether appropriate avoidance, mitigation, avoidance or compensation measures can be put in place. Further information is included in Natural England's [standing advice](#) on protected species and in [Advice Note 11 Annex C Natural England](#).

Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

## 2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any changes to the mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

## 3. Landscape Character

### Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the



character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

#### **4. Access and Recreation**

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

#### **Rights of Way, Access land, Coastal access and National Trails**

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

#### **5. Air Quality**

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

#### **6. Climate Change Adaptation**

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 174), which should be demonstrated through the ES.

#### **7. Cumulative and in-combination effects**

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

**From:** Matt Leighton [REDACTED]@networkrail.co.uk> on behalf of Town Planning LNE <TownPlanningLNE@networkrail.co.uk>  
**Sent:** 26 February 2021 16:46  
**To:** Able Marine Energy Park  
**Subject:** NETWORK RAIL Ref TR030006 - Scoping consultation Able Marine Energy Park

OFFICIAL

**FAO – Environmental Services**  
**Ref – TR030006**  
**Proposal – Scoping consultation**  
**Location – Able Marine Energy Park**

Thank you for your letter of 29 January 2021 providing Network Rail with an opportunity to comment on the abovementioned scoping consultation.

In relation to the above scoping consultation Network Rail has no adverse comments but fully support the diversion of FP 77 to avoid the railway completely as a positive step in improving railway safety.

Kind regards



**Matt Leighton**  
Town Planning Technician  
**Diversity and Inclusion Champion**  
Network Rail Property - Eastern Region  
George Stephenson House, Toft Green, York, YO1 6JT

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**From:** Andrew Law [REDACTED]@northlincs.gov.uk>  
**Sent:** 26 February 2021 17:24  
**To:** Able Marine Energy Park  
**Subject:** NORTH LINCOLSHIRE COUNCIL Scoping Consultation ref: TR030006  
**Attachments:** SCO.2021.2 AMEP Quay changes EIA scoping- Ecology.doc; HER scoping response.pdf; EHO scoping response.pdf

Dear Sir/Madam

Thank you for the opportunity to comment on the Scoping Report submitted by Able Humber Ports Ltd in respect of a proposed amendment to the Able Marine Energy Park Development Consent Order.

I can confirm that North Lincolnshire Council as the host local planning authority agrees with the approach set out in the applicant's scoping report, with regard to the information that should be provided in an updated Environmental Statement.

Further comments are set out below and within the attached responses from the Council's technical officers:

**Ecology** - Compared to the original AMEP DCO, the proposed changes entail changes to dredging, disposal of dredged material and the layout of the quay in the marine environment. Furthermore, the marine environment itself has changed over the years, with accretion of sediments in the intertidal zone and the succession of large areas of mudflat to saltmarsh. These changes could lead to changes in predicted impacts and will therefore require the submission of updated environmental information.

The applicant has scoped in various updates and amendments within the following Environmental Statement (ES) chapters:

- Geology, Hydrogeology and Ground Conditions;
- Hydrodynamic and Sedimentary Regime;
- Water and Sediment Quality;
- Aquatic Ecology;
- Terrestrial Ecology and Birds (Impacts on SPA-qualifying species and assemblages only).

The LPA support the approach set out in the scoping report, though it should be noted that we do not have expertise in the methods used in the study of disciplines such as hydrodynamics and sedimentary regime or water and sediment quality.

The LPA also support the proposal to provide the information reasonably required for an updated Habitats Regulations Assessment.

**Contamination** – The original ES included an assessment of contaminated sediments in the marine environment. Whilst the area to be dredged is slightly altered by the proposed changes, it is within the footprint of the originally proposed quay layout and therefore within the area that has previously been characterised by sampling and analysis.

Updated sampling results will be reported in the ES and any significant change in the levels of contaminants will be further assessed. An update to the Contaminated Sediments section of the chapter is therefore scoped in to the updated ES. The LPA agree with this approach.

**Noise** - The report concludes that whilst the proposed amendments will result in a different alignment of the quay wall, the construction will not result in any additional or different noise sources that have not already been assessed and secured through the DCO. The proposed amendments will not introduce new or different noise sources as a result of road traffic or as a result of the operational phase. With this in mind, this topic has been scoped out of the updated ES. The LPA agree with this conclusion.

**Air Quality** - The report concludes that the proposed amendments will not give rise to any new or different impacts on air quality as construction and operational activities will be identical. With this in mind, this topic has been scoped out of the updated ES. The LPA agree with this conclusion.

**Light** - No changes are proposed to external lighting levels and the details surrounding this are reserved matters requiring the submission of written details and their subsequent approval.

**Cultural Heritage** - The LPA agree with the proposal to scope out the historic environment from the updated ES provided that the Coastal and Marine WSI and the Lighthouse mitigation strategies remain unchanged. Any changes to the WSI submitted as part of the DCO would imply amendments to the impacts on archaeological remains and appropriate mitigation which should then be scoped into the ES.

**Drainage** - No changes are proposed to the arrangements for the disposal of surface water and foul water from the development site. The amendments to the proposed design will not therefore give rise to any new or different impacts on drainage. The LPA agree with the proposal that drainage is scoped out of the updated ES.

**Highways/PROW** – The amendments to the proposed design will not give rise to any new or different effects on vehicle flows. The estimates for construction traffic and operational traffic remain the same regardless of the proposed changes. The proposed diversion to the footpath results in a change to the length of the approved route. The LPA agreed with the approach to scope in the Public Rights of Way aspect of the Traffic and Transport Assessment chapter only. I would also note that the proposed diversion of the footpath has been discussed and agreed with the Council’s Public Rights of Way officer.

**Landscape and Visual Impact** – The LPA agree that this topic can be scoped out of the updated ES.

**Socio-Economic Impact** - The amendments to the proposed design will not give rise to any new or different socio-economic impacts. The LPA agree that this topic can be scoped out of the updated ES.

I trust that this has provided the necessary clarification. Do not hesitate to contact me should you wish to discuss this matter further.

Kind Regards

Andrew Law  
Development Management Specialist

Development Management  
North Lincolnshire Council  
30-40 High Street  
SCUNTHORPE  
DN15 6NL

Tel: [REDACTED] (Direct Dial)



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Please think before you print- North Lincolnshire Council greening the workplace.

# MEMO

**North  
Lincolnshire  
Council**

**TO: ANDREW LAW, DEVELOPMENT MANAGEMENT**  
**FROM: ALISON WILLIAMS, HISTORIC ENVIRONMENT RECORD**  
**REF: SCO/2021/2**  
**DATE: 22/02/2021**

**SUBJECT: Scoping opinion under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations ) - Regulations 10 and 11 in connection with proposed changes to The Able Marine Energy Park Development Consent Order 2014, Able Marine Energy Park, Rosper Road, North Killingholme**

## **SUMMARY OF ADVICE**

- The Scoping Report (Table 7) states that the amended quay design will not change the impacts on the heritage assets, and
- The construction of the quay will take place in accordance with the Marine Written Scheme of Investigation (DCO, Requirement 17) so the proposed amendments will not give rise to any new or different effects on the historic environment
- The Coastal and Marine WSI (2012) submitted for the DCO requires investigations and mitigation measures in order to appropriately assess and conserve any archaeological material that the design, construction and operation of the quay impacts
- The WSI further provides specific mitigation in the event that morphological changes caused by the quay, whether by erosion or sediment accretion, impact on buried archaeological remains
- The Scoping Report also states that vibration impacts are not expected to differ as a result of the proposed amendments and appropriate mitigation was identified in the original ES and secured through the DCO; this includes vibration impacts of piling and construction of the quay on the structural integrity of the Listed lighthouse (Requirements 18 & 34)
- The HER does not object to the proposal to scope out the historic environment from the updated ES provided that the Coastal and Marine WSI and the Lighthouse mitigation strategies are unchanged
- Any changes to the WSI submitted with the DCO would imply amendments to the impacts on archaeological remains and appropriate mitigation and therefore should be scoped in and assessed in the updated ES.

**HISTORIC ENVIRONMENT RECORD (HER) FUNCTION:** To hold, maintain, interpret and manage heritage information, enhancing the understanding of the area's historical development as a distinctive and attractive place. HER information provides source material for interpretation by heritage professionals and for use by community groups and individuals. The HER database is updated as new information about the historic environment is discovered.

The HER also provides advice on development proposals that affect, or may affect, the sites and settings of all heritage assets i.e. designated and non-designated historic buildings, archaeological sites and monuments, and historic places, areas and landscapes. This advice is provided against saved local plan policies and national historic environment policies. See <https://www.northlincs.gov.uk/planning-and-environment/historic-environment-and-conservation/>

**Alison Williams**  
**Historic Environment Officer**  
[REDACTED] [@northlincs.gov.uk](mailto:[REDACTED]@northlincs.gov.uk)



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# MEMO

**North  
Lincolnshire  
Council**

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**To:** Andrew Law, Development Management  
**From:** Andrew Taylor, Place Planning & Housing  
**Your Ref:** SCO/2021/2  
**Date:** 25 February 2021

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**Subject:** Scoping opinion under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) - Regulations 10 and 11 in connection with proposed changes to The Able Marine Energy Park Development Consent Order 2014  
Able Marine Energy Park, Rosper Road, North Killingholme

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## Summary

- The proposal is likely to have significant effects in terms of ecology.
- The applicant should provide the information reasonably required for a Habitats Regulations Assessment.

Thank you for consulting Place Planning & Housing on the above scoping request.

### **Estuarine processes, Estuarine Ecology and Habitats Regulations**

Compared to the original AMEP DCO, the proposed changes entail changes to dredging, disposal of dredged material and the layout of the quay in the marine environment. Furthermore, the marine environment itself has changed over the years, with accretion of sediments in the intertidal zone and the succession of large areas of mudflat to saltmarsh. These changes could lead to changes in predicted impacts and will therefore require the submission of updated environmental information.

The applicant has scoped in various updates and amendments within the following Environmental Statement (ES) chapters:

- Geology, Hydrogeology and Ground Conditions;
- Hydrodynamic and Sedimentary Regime;
- Water and Sediment Quality;
- Aquatic Ecology;
- Terrestrial Ecology and Birds (Impacts on SPA-qualifying species and assemblages only).

I support the approach set out in the scoping report, though it should be noted that I am not an expert in the methods used in the study of disciplines such as hydrodynamics and sedimentary regime or water and sediment quality.

I also support the proposal to provide the information reasonably required for an updated Habitats Regulations Assessment.

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

**Andrew Taylor**  
**Natural Environment Policy Specialist**

I N T E R	<h1>MEMO</h1>	<b>North Lincolnshire Council</b> <a href="http://www.northlincs.gov.uk">www.northlincs.gov.uk</a>
O F F I C E		

To: Andrew Law, Development Management

From: Environmental Protection Team

Your Ref: SCO/2021/2

Our Ref: PLU 05641

Subject: EIA Scoping opinion under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) - Regulations 10 and 11 in connection with proposed changes to The Able Marine Energy Park Development Consent Order 2014

Location: Able Marine Energy Park, Rosper Road, North Killingholme

Date: 16 February 2021

Thank you for your email requesting this departments comments on the above application. I can confirm that this department has the following comments to make.

The Scoping Opinion is to inform an updated Environmental Statement to accompany a material change application for proposed changes to the scheme consented under The Able Marine Energy Park Development Consent Order 2014 (Statutory Instrument 2014 No. 2935), ('the DCO').

The proposed changes include the following:

- Changes to the proposed quay layout to reclaim the specialist berth at the southern end of the quay, and to set back the quay line at the northern end of the quay to create a barge berth;
- The addition of options to the form of construction of the quay whereby the piled relieving slab to the rear of the quay could be raised or omitted entirely and the quay wall piles could be restrained with more conventional steel anchor piles and tie bars *in lieu* of flap anchors;
- A change to the approved diversion of footpath FP50 in North Lincolnshire to avoid crossing over the existing rail track at the end of the Killingholme Branch Line;
- Provision of a third cross dam within the reclamation area to enable staged completion and early handover of sections of the quay;

- A change to the consented deposit location for 1.1M tonnes of clay to be dredged from the berthing pocket, to permit its disposal at HU082 if required; and,
- An amendment to the sequencing of the quay works to enable those works to commence at the southern end of the quay and progress northwards.

### **Contaminated Land**

The original ES included an assessment of contaminated sediments in the marine environment. Whilst the area to be dredged is slightly altered by the proposed changes, it is within the footprint of the originally proposed quay layout and therefore within the area that has previously been characterised by sampling and analysis.

Updated sampling results will be reported in the ES and any significant change in the levels of contaminants will be further assessed. An update to the Contaminated Sediments section of the chapter is therefore scoped in to the updated ES. This department agree with this conclusion

### **Noise**

The report concludes that whilst the proposed amendments will result in a different alignment of the quay wall, the construction will not result in any additional or different noise sources that have not already been assessed and secured through the DCO.

The proposed amendments will not introduce new or different noise sources as a result of road traffic.

The proposed amendments will not introduce new or different noise sources as a result of the operational phase.

With this in mind, this topic has been scoped out of the updated ES. This department agree with this conclusion.

### **Air Quality**

The report concludes that the proposed amendments will not give rise to any new or different impacts on air quality as construction and operational activities will be identical.

With this in mind, this topic has been scoped out of the updated ES. This department agree with this conclusion.

### **Light**

The report concludes that no changes are proposed to external lighting levels and the details surrounding this are reserved matters requiring the submission of written details and their subsequent approval.

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**From:** Emma Brook [REDACTED]@nottscc.gov.uk>  
**Sent:** 04 February 2021 08:20  
**To:** Able Marine Energy Park  
**Subject:** TR030006. Able Marine Energy Park- EIA Scoping consultation

Good morning,

I hope this email finds you well.

Thank you for consulting Nottinghamshire County Council on this EIA scoping consultation for the material change to Able Marine Energy Park in North Killingholme.

I can advise that at this time, the County Council does not have any comments to make.

Many thanks,

Emma Brook

Planning Policy Team  
Place Department  
Nottinghamshire County Council  
County Hall  
Nottingham  
NG2 7QP

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Public Health  
England

Environmental Hazards and  
Emergencies Department  
Centre for Radiation, Chemical and  
Environmental Hazards (CRCE)  
Seaton House  
City Link  
London Road  
Nottingham  
NG2 4LA

[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

[www.gov.uk/phe](http://www.gov.uk/phe)

Your Ref: TR030006

Our Ref: 56810

Ms Lucy Hicks  
EIA Advisor  
The Planning Inspectorate  
Environmental Services Central Operations  
Temple Quay House  
2 The Square  
Bristol BS1 6N

26<sup>th</sup> February 2021

Dear Ms Hicks

**Nationally Significant Infrastructure Project  
Able Humber Ports Ltd, Able Marine Energy Park  
Scoping Consultation Stage**

Thank you for including Public Health England (PHE) in the consultation phase for an updated scoping opinion of environmental impacts related to material changes to the above development, which has existing development consent. Advice offered by PHE is impartial and independent.

We note that the applicant states that there have been no significant changes to local receptors and the amendments to the proposed scheme will not give rise to any new or different health impacts (to those addressed in earlier assessments).

We note that the applicant proposes to re-assess contaminated marine sediments and water and sediment quality in the estuary. If the proposed changes to quays and dredging imply changes to vessel movements, the applicant should also ensure the conclusions of earlier air quality impact assessments remain valid (ie. there is no significant increase in emissions or potential impacts on air quality).

Beyond this recommendation, the latest version of PHE's scoping recommendations are attached as an annex to this letter, updating the general recommendations made in 2010 by our predecessor Health Protection Agency.

Yours sincerely

For and on behalf of Public Health England  
[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

## Appendix: PHE recommendations regarding the scoping document

### Introduction

The Planning Inspectorate's Advice Note 11: Working with Public Bodies covers many of the generic points of interaction relevant to the Planning Inspectorate and Public Health England (PHE). The purpose of this Annex is to help applicants understand the issues that PHE expect to see addressed by applicants preparing an Environmental Statement (ES) as part of their Nationally Significant Infrastructure Planning (NSIP) submission

We have included a comprehensive outline of the type of issues we would expect to be considered as part of an NSIP which falls under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). PHE encourages applicants to contact us as early in the process as possible if they wish to discuss or clarify any matters relating to chemical, poison, radiation or wider public health.

### General Information on Public Health England

PHE was established on 1 April 2013 to bring together public health specialists from more than 70 organisations into a single public health service. We are an executive agency of the Department of Health and are a distinct delivery organisation with operational autonomy to advise and support government, local authorities and the National Health Service (NHS) in a professionally independent manner.

We operate across 4 regions in England and work closely with public health professionals in Wales, Scotland and Northern Ireland, and internationally.<sup>1</sup> We have specialist teams advising on specific issues such as the potential impacts of chemicals, air quality, ionising and non-ionising radiation and other factors which may have an impact on public health, as well as on broader issues such as the wider determinants of health, health improvement and health inequalities.

### PHE's NSIP related roles and responsibilities and geographical extent

PHE is a statutory consultee in the NSIP process for any *applications likely to involve chemicals, poisons or radiation which could potentially cause harm to people and are likely to affect significantly public health.*<sup>2</sup> PHE will consider the potential significant effects (direct and indirect) of a proposed development on population and human health and the impacts from chemicals, radiation and environmental hazards.

Under certain circumstances PHE may provide comments on ionising radiation to/on behalf of the Scottish Parliament. If a proposer is submitting a planning application in Scotland which may require advice on radiation you are recommended to contact the appropriate Scottish Planning Authority for advice on how to proceed.

In the case of applications in Wales, PHE remains a statutory consultee but the regime applies to a more limited range of development types. For NSIP applications likely to affect land in Wales, an applicant should still consult PHE but, additionally will be required to consult the Welsh Ministers.

### Role of Public Health England and NSIP with respect to Environmental Impact Assessments

PHE has a statutory role as a consultation body under the EIA Regulations. Where an applicant has requested a scoping opinion from the Planning Inspectorate<sup>3</sup> in relation to a proposed NSIP, PHE will be consulted by the Planning Inspectorate about the scope, and level of detail, of the information to be provided in the ES and will be under a duty to make information available to the applicant. PHE's standard recommendations in response to EIA scoping consultations are below.

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<sup>1</sup> <https://www.gov.uk/government/organisations/public-health-england/about#priorities>

<sup>2</sup> The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015

<sup>3</sup> The scoping process is administered and undertaken by the Planning Inspectorate on behalf of the Secretary of State

PHE also encourages applicants to discuss with them the scope of the ES at an early stage to explore, for example, whether careful site selection or other design issues could minimise or eliminate public health impacts or to outline the requirement for, scope and methodology of any assessments related to public health.

## **PHE's recommendations to applicants regarding Environmental Impact Assessments General approach**

**Applicants are reminded that Section 5(2)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 specifically includes a requirement that the EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on population and human health.**

PHE is of the opinion that this requirement encompasses the wider determinants of public health, as well as chemicals, poisons and radiation. Further information on PHE's recommendations and requirements is included below.

It is the role of the applicant to prepare the ES. PHE provides advice relating to EIA within this document and during the NSIP consultation stages.

When preparing an ES the applicant should give consideration to best practice guidance such as the Government's Handbook for scoping projects: environmental impact assessment<sup>4</sup>, IEMA Guide to Delivering Quality Developments<sup>5</sup>, and Guidance: on Environmental Impact Assessment<sup>6</sup>

The Planning Inspectorate's Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements also provide guidance to applicants and other persons with interest in the EIA process as it relates to NSIPs. It is important that the submitted ES identifies and assesses the potential public health impacts of the activities at, and emissions from, the development.

PHE understands that there may be separate sections of the ES covering the assessment of impacts on air, land, water and so on, but expects an ES to include a specific section summarising potential impacts on population and health. This section should bring together and interpret the information from other assessments as necessary. The health and population impacts section should address the following steps.

1. Screening: Identify and significant effects.
  - a. Summarise the methodologies used to identify health impacts, assess significance and sources of information
  - b. Evaluate any reference standards used in carrying out the assessment and in evaluating health impacts (e.g., environmental quality standards)
  - c. Where the applicant proposes the 'scoping out' of any effects a clear rationale and justification should be provided along with any supporting evidence.
2. Baseline Survey :
  - a. Identify information needed and available, Evaluate quality and applicability of available information
  - b. Undertake assessment

<sup>4</sup> <https://www.gov.uk/government/publications/handbook-for-scoping-projects-environmental-impact-assessment>

<sup>5</sup> <https://www.iema.net/assets/newbuild/documents/Delivering%20Quality%20Development.pdf>

<sup>6</sup> <https://www.gov.uk/guidance/environmental-impact-assessment#the-purpose-of-environmental-impact-assessment>



3. Alternatives:
  - a. Identify and evaluate any realistic alternative locations, routes, technology etc.
4. Design and assess possible mitigation
  - a. Consider and propose suitable corrective actions should mitigation measures not perform as effectively predicted.
5. Impact Prediction: Quantify and Assess Impacts:
  - a. Evaluate and assess the extent of any positive and negative effects of the development. Effects should be assessed in terms of likely health outcomes, including those relating to the wider determinants of health such as socio-economic outcomes, in addition to health outcomes resulting from exposure to environmental hazards. Mental health effects should be included and given equivalent weighting to physical effects.
  - b. Clearly identify any omissions, uncertainties and dependencies (e.g., air quality assessments being dependant on the accuracy of traffic predictions)
  - c. Evaluate short-term impacts associated with the construction and development phase
  - d. Evaluate long-term impacts associated with the operation of the development
  - e. Evaluate any impacts associated with decommissioning
  - f. Evaluate any potential cumulative impacts as a result of the development, currently approved developments which have yet to be constructed, and proposed developments which do not currently have development consent
6. Monitoring and Audit (not a statutory requirement)
  - a. Identify key modelling predictions and mitigation impacts and consider implementing monitoring and audit to assess their accuracy / effectiveness.

Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made, the applicant should fully explain and justify their rationale in the submitted documentation.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, the EIA process should start at the stage of site selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES<sup>7</sup>.

### **Human and environmental receptors**

The applicant should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land.

Identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities, as well as other vulnerable population groups such as those who are young, older, with disabilities or long-term conditions, or on low incomes) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

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<sup>7</sup> DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

### **Impacts arising from construction and decommissioning**

Any assessment of impacts arising from emissions or activities due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the applicant to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential negative impact on health from emissions (point source, fugitive and traffic-related) and activities. An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The applicant should ensure that there are robust mechanisms in place to respond to any complaints made during construction, operation, and decommissioning of the facility.

### **Emissions to air and water**

Significant impacts are unlikely to arise from industrial installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding the assessment of emissions from any type of development in order that the ES provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these should:

- include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- encompass the combined impacts of all pollutants which may be emitted by the development with all pollutants arising from associated development and transport, considered in a single holistic assessment (ie, of overall impacts)
- include Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- consider the construction, operational, and decommissioning phases
- consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- fully account for fugitive emissions
- include appropriate estimates of background levels
  - when assessing the human health risk of a chemical emitted from a facility or operation, background exposure to the chemical from other sources should be taken into account
- identify cumulative and incremental impacts (ie, assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (ie, rail, sea, and air)
- include consideration of local authority, Environment Agency, Natural Resources Wales, Defra national network, and any other local site-specific sources of monitoring data
- compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium. Where available, the most recent UK standards for the appropriate media (ie, air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants
- where UK standards or guideline values are not available, use those recommended by the European Union or World Health Organization:

- If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (eg, a Tolerable Daily Intake or equivalent)
- This should consider all applicable routes of exposure (eg, include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion)
- when quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants, PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the ‘Margin of Exposure’ (MOE) approach<sup>1</sup> is used
- identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions. This should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (eg, for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE’s view is that the applicant should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure. Further to assessments of compliance with limit values, for non-threshold pollutants (ie, those that have no threshold below which health effects do not occur) the **benefits** of development options which reduce population exposure should be evaluated.

#### *Additional points specific to emissions to air*

When considering baseline conditions (of existing air quality) and the assessment and future monitoring of impacts, these should include:

- consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst-case conditions)
- modelling taking into account local topography, congestion and acceleration
- evaluation of the public health **benefits** of development options which reduce air pollution – even below limit values – as pollutants such as nitrogen dioxide and particulate matter show no threshold below which health effects do not occur

#### *Additional points specific to emissions to water*

When considering baseline conditions (of existing water quality) and the assessment and future monitoring of impacts, these should:

- include assessment of potential impacts on human health and not focus solely on ecological impacts
- identify and consider all routes by which emissions may lead to population exposure (e.g., surface watercourses, recreational waters, sewers, geological routes etc.)
- assess the potential off-site effects of emissions to groundwater (eg, on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- include consideration of potential impacts on recreational users (eg, from fishing, canoeing etc.) alongside assessment of potential exposure via drinking water

## **Land quality**

We would expect the applicant to provide details of any hazardous contamination present on site (including ground gas) as part of a site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed<sup>8</sup> and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

### **Waste**

The applicant should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the development the ES should assess:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

If the development includes wastes delivered to the installation:

- Consider issues associated with waste delivery and acceptance procedures (including delivery of prohibited wastes) and should assess potential off-site impacts and describe their mitigation

### **Other aspects**

Within the ES, PHE would expect to see information about how the applicant would respond to accidents with potential off-site emissions (e.g., flooding or fires, spills, leaks or releases off-site). Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

PHE would expect the applicant to consider the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations: both in terms of their applicability to the development itself, and the development's potential to impact on, or be impacted by, any nearby installations themselves subject to these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>9</sup>, jointly published by Liverpool John Moores University and the Health Protection Agency (HPA), examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: *"Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical*

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<sup>8</sup> Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

<sup>9</sup> Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems--summary-report.pdf>

*health risks may be negligible.*” PHE supports the inclusion of this information within ES’ as good practice.

### **Electromagnetic fields (EMF)**

This advice relates to electrical installations such as substations and connecting underground cables or overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available on the Gov.UK website.<sup>10</sup>

There is a potential health impact associated with the electric and magnetic fields around substations, overhead power lines and underground cables. The field strengths tend to reduce with distance from such equipment.

The following information provides a framework for considering the health impact associated with the electric and magnetic fields produced by the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

### **Policy Measures for the Electricity Industry**

A voluntary code of practice is published which sets out key principles for complying with the ICNIRP guidelines.<sup>11</sup>

Companion codes of practice dealing with optimum phasing of high voltage power lines and aspects of the guidelines that relate to indirect effects are also available.<sup>12, 13</sup>

### **Exposure Guidelines**

PHE recommends the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Formal advice to this effect, based on an accompanying comprehensive review of the scientific evidence, was published in 2004 by the National Radiological Protection Board (NRPB), one of PHE’s predecessor organisations<sup>14</sup>

Updates to the ICNIRP guidelines for static fields have been issued in 2009 and for low frequency fields in 2010. However, Government policy is that the ICNIRP guidelines are implemented as expressed in the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):<sup>15</sup>

### **Static magnetic fields**

For static magnetic fields, the ICNIRP guidelines published in 2009 recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT.

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<sup>10</sup> <https://www.gov.uk/government/collections/electromagnetic-fields#low-frequency-electric-and-magnetic-fields>

<sup>11</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf)

<sup>12</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf)

<sup>13</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/224766/powerlines\\_vcop\\_microshocks.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf)

<sup>14</sup> <http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

<sup>15</sup> [http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/Healthprotection/DH\\_4089500](http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/Healthprotection/DH_4089500)

## **Power frequency electric and magnetic fields**

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to electric fields. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m<sup>-1</sup> (kilovolts per metre) and 100 µT (microtesla). The reference level for magnetic fields changes to 200 µT in the revised (ICNIRP 2010) guidelines because of new basic restrictions based on induced electric fields inside the body, rather than induced current density. If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with underlying basic restrictions and reducing the risk of indirect effects.

## **Long term effects**

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

## **The Stakeholder Advisory Group on ELF EMFs (SAGE)**

The Stakeholders Advisory Group on ELF EMFs (SAGE) was set up to explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government.<sup>16</sup>

Relevant here is SAGE's 2007 First Interim Assessment, which makes several recommendations concerning high voltage power lines. Government supported the implementation of low cost options such as optimal phasing to reduce exposure; however it did not support the option of creating corridors around power lines in which development would be restricted on health grounds, which was considered to be a disproportionate measure given the evidence base on the potential long term health risks arising from exposure. The Government response to SAGE's First Interim Assessment is available on the national archive website.<sup>17</sup>

The Government also supported calls for providing more information on power frequency electric and magnetic fields, which is available on the PHE web pages.

## **Wider Determinants of Health**

World Health Organization (WHO's) defines health as "a state of complete physical, mental and social well-being and not merely an absence of disease or infirmity" (WHO, 1948).

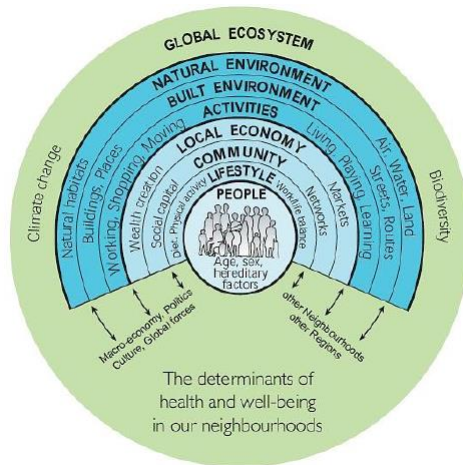
The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up, to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people.

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<sup>16</sup> <http://www.emfs.info/policy/sage/>

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[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_107124](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124)



Barton and Grant<sup>18</sup>

PHE recognises that evaluating an NSIP's impacts on health through the wider determinants is more complex than assessing a project's direct impacts against clearly defined regulatory protections (e.g. protected species). However, this does not mean that their assessment should be side-lined; with the 2017 EIA Regulations clarifying that the likely significant effects of a development proposal on human health must be assessed.

We accept that the relevance of these topics and associated impacts will vary depending on the nature of the proposed development and in order to assist applicants PHE has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements. PHE has developed a list of 21 determinants of health and wellbeing under four broad themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements (NPS). If the applicant proposes to scope any areas out of the assessment, they should provide clear reasoning and justification.

The four themes are:

- Access
- Traffic and Transport
- Socioeconomic
- Land Use

### **Methodology**

PHE will expect assessments to set out the methodology used to assess each determinant included in the scope of the assessment. In some instances, the methodologies described may be established and refer to existing standards and/or guidance. In other instances, there may be no pre-defined methodology, which can often be the case for the wider determinants of health; as such there should be an application of a logical impact assessment method that:

- identifies effected populations vulnerable to impacts from the relevant determinant
- establishes the current baseline situation
- identifies the NSIP's potential direct and indirect impacts on each population
- if impacts are identified, evaluates whether the potential impact is significant in relation to the affected population
- identifies appropriate mitigation to minimise impacts or the subsequent effects on health
- identifies opportunities to achieve benefits from the scheme
- identifies appropriate monitoring programmes

Currently there is no standard methodology for assessing the population and human health effects of infrastructure projects, but a number of guides exist, including:

<sup>18</sup> Barton H, Grant M. A health map for the local human habitat. The Journal of the Royal Society for the Promotion of Health 2006; 126(6): 252-3.

- Institute of Environmental Management and Assessment, 2017: Health in Environmental Assessment, a primer for a proportionate approach;
- NHS London Healthy Urban Development Unit (HUDU), 2015. Healthy Urban Planning Checklist and Rapid Health Impact Assessment Tool;
- Wales Health Impact Assessment Unit, 2012: HIA a practical guide;
- National Mental Wellbeing Impact Assessment Development Unit 2011: Mental Wellbeing Impact Assessment Toolkit;

### **Determining significant effects**

Neither the EIA regulations nor the National Policy Statements provide a definition of what constitutes a 'significant' effect, and so PHE have derived a list of factors which it will take into consideration in the assessment of significance of effects, as outlined below. These list of factors should be read in conjunction with guidance from the above guides.

#### **1. Sensitivity:**

Is the population exposed to the NSIP at particular risk from effects on this determinant due to pre-existing vulnerabilities or inequalities (for example, are there high numbers in the local population of people who are young, older, with disabilities or long-term conditions, or on a low income)? Will the NSIP widen existing inequalities or introduce new inequalities in relation to this determinant?

#### **2. Magnitude:**

How likely is the impact on this determinant to occur? If likely, will the impact affect a large number of people / Will the impact affect a large geographic extent? Will the effects be frequent or continuous? Will the effects be temporary or permanent and irreversible?

#### **3. Cumulative effects:**

Will the NSIP's impacts on this determinant combine with effects from other existing or proposed NSIPs or large-scale developments in the area, resulting in an overall cumulative effect different to that of the project alone?

What are the cumulative effects of the impacts of the scheme on communities or populations. Individual impacts individually may not be significant but in combination may produce an overall significant effect.

#### **4. Importance:**

Is there evidence for the NSIP's effect on this determinant on health? Is the impact on this determinant important in the context of national, regional or local policy?

#### **5. Acceptability:**

What is the local community's level of acceptance of the NSIP in relation to this determinant? Do the local community have confidence that the applicants will promote positive health impacts and mitigate against negative health effects?

#### **6. Opportunity for mitigation:**

If this determinant is included in the scope for the EIA is there an opportunity to enhance any positive health impacts and/or mitigate any negative health impacts?

### **Scoping**

The scoping report may determine that some of the wider determinants considered under human and population health can be scoped out of the EIA. If that, should be the case, detailed rationale and supporting evidence for any such exclusions must be provided. PHE will expect an assessment to have considered all of the determinants listed in Table1 of Appendix 1 as a minimum.

### **Vulnerable groups**

Certain parts of the population may experience disproportionate negative health effects as a result of a development. Vulnerable populations can be identified through research literature, local



population health data or from the identification of pre-existing health conditions that increase vulnerability.

The on health and wellbeing and health inequalities of the scheme will have particular effect on vulnerable or disadvantaged populations, including those that fall within the list of protected characteristics. Some protected groups are more likely to have elevated vulnerability associated with social and economic disadvantages. Consideration should be given to language or lifestyles that influence how certain populations are affected by impacts of the proposal, for example non-English speakers may face barriers to accessing information about the works or expressing their concerns.

Equality Impact Assessments (EqIA) are used to identify disproportionate effects on Protected Groups (defined by the Equality Act, 2010), including health effects. The assessments and findings of the Environmental Statement and the EqIA should be cross reference between the two documents, particularly to ensure the assessment of potential impacts for health and inequalities and that resulting mitigation measures are mutually supportive.

*The Wales Health Impact Assessment Support Unit (WHIASU), provides a suggested list of vulnerable groups*

#### *Age related groups*

- Children and young people
- Older people

#### *Income related groups*

- People on low income
- Economically inactive
- Unemployed/workless
- People who are unable to work due to ill health

#### *Groups who suffer discrimination or other social disadvantage*

- People with physical or learning disabilities/difficulties
- Refugee groups
- People seeking asylum
- Travellers
- Single parent families
- Lesbian and gay and transgender people
- Black and minority ethnic groups
- Religious groups

#### *Geographical groups*

- People living in areas known to exhibit poor economic and/or health indicators
- People living in isolated/over-populated areas
- People unable to access services and facilities

### **Mental health**

PHE supports the use of the broad definition of health proposed by the World Health Organisation (WHO). Mental well-being is fundamental to achieving a healthy, resilient and thriving population. It underpins healthy lifestyles, physical health, educational attainment, employment and productivity, relationships, community safety and cohesion and quality of life. NSIP schemes can be of such scale and nature that will impact on the over-arching protective factors, which are:

- Enhancing control
- Increasing resilience and community assets
- Facilitating participation and promoting inclusion.

There should be parity between mental and physical health, and any assessment of health impact should include the appreciation of both. A systematic approach to the assessment of the impacts on mental health, including suicide, is required. The **Mental Well-being Impact Assessment**

**(MWIA)** could be used as a methodology. The assessment should identify vulnerable populations and provide clear mitigation strategies that are adequately linked to any local services or assets

Perceptions about the proposed scheme may increase the risk of anxiety or health effects by perceived effects. "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard.

### **Evidence base and baseline data**

An assessment should be evidence based, using published literature to identify determinants and likely health effects. The strength of evidence identifying health effects can vary, but where the evidence for an association is weak it should not automatically be discounted.

There will be a range of publicly available health data including:

- National datasets such as those from the Office of National Statistics,
- Public Health England (PHE), including the fingertips data sets,
- Non-governmental organisations,
- Local public health reports, such as the Joint Strategic Needs Assessment, Health and Wellbeing Strategies;
- Consultation with local authorities, including local authority public health teams;
- Information received through public consultations

### **Mitigation**

If the assessment has identified that significant negative effects are likely to occur with respect to the wider determinants of health, the assessment should include a description of planned mitigation measures the applicant will implement to avoid or prevent effects on the population.

Mitigation and/or monitoring proposals should be logical, feasible and have a clear governance and accountability framework indicating who will be responsible for implementation and how this will be secured during the construction and/or operation of the NSIP.

### **Positive benefits from the scheme**

The scale of many NSIP developments will generate the potential for positive impacts on health and wellbeing; however, delivering such positive health outcomes often requires specific enabling or enhancement measures. For example, the construction of a new road network to access an NSIP site may provide an opportunity to improve the active transport infrastructure for the local community. PHE expects developments to consider and report on the opportunity and feasibility of positive impacts. These may be stand alone or be considered as part of the mitigation measures.

### **Monitoring**

PHE expects an assessment to include consideration of the need for monitoring. It may be appropriate to undertake monitoring where:

- Critical assumptions have been made
- There is uncertainty about whether negative impacts are likely to occur as it may be appropriate to include planned monitoring measures to track whether impacts do occur.
- There is uncertainty about the potential success of mitigation measures
- It is necessary to track the nature of the impact and provide useful and timely feedback that would allow action to be taken should negative impacts occur

### **How to contact PHE**

If you wish to contact us regarding an existing or potential NSIP application please email: [nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

## Appendix 1

Table 1 – Wider determinants of health and wellbeing

<b>Health and wellbeing themes</b>			
Access	Traffic and Transport	Socioeconomic	Land Use
<b>Wider determinants of health and wellbeing</b>			
<p>Access to :</p> <ul style="list-style-type: none"> <li>• local public and key services and facilities.</li> <li>• Good quality affordable housing.</li> <li>• Healthy affordable food.</li> <li>• The natural environment.</li> <li>• The natural environment within the urban environment.</li> <li>• Leisure, recreation and physical activities within the urban and natural environments.</li> </ul>	<ul style="list-style-type: none"> <li>• Accessibility.</li> <li>• Access to/by public transport.</li> <li>• Opportunities for access by cycling and walking.</li> <li>• Links between communities.</li> <li>• Community severance.</li> <li>• Connections to jobs.</li> <li>• Connections to services, facilities and leisure opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>• Employment opportunities, including training opportunities.</li> <li>• Local business activity.</li> <li>• Regeneration.</li> <li>• Tourism and leisure industries.</li> <li>• Community/social cohesions and access to social networks.</li> <li>• Community engagement.</li> </ul>	<ul style="list-style-type: none"> <li>• Land use in urban and/or /rural settings.</li> <li>• Quality of Urban and natural environments</li> </ul>

### 1) Access

#### a. Access to local, public and key services and facilities

Access to local facilities can increase mobility and social participation. Body mass index is significantly associated with access to facilities, including factors such as the mix and density of facilities in the area. The distance to facilities has no or only a small effect on walking and other physical activities. Access to recreational facilities can increase physical activity, especially walking for recreation, reduce body weight, reduce the risk of high blood pressure, and reduce the number of vehicle trips, the distances travelled and greenhouse gas emissions.

Local services include health and social care, education, employment, and leisure and recreation. Local facilities include community centres, shops, banks/credit unions and Post Offices. Services and facilities can be operated by the public, private and/or voluntary sectors. Access to services and facilities is important to both physical and mental health and wellbeing. Access is affected by factors such as availability,

proximity to people's place of residence, existence of transport services or active travel infrastructure to the location of services and facilities, and the quality of services and facilities.

The construction or operation of an NSIP can affect access adversely: it may increase demand and therefore reduce availability for the existing community; during construction, physical accessibility may be reduced due to increased traffic and/or the blockage of or changes to certain travel routes. It is also possible that some local services and facilities are lost due to the land-take needed for the NSIP.

Conversely if new routes are built or new services or facilities provided the NSIP may increase access. NSIPs relating to utilities such as energy and water can maintain, secure or increase access to those utilities, and thereby support health and wellbeing.

b. Access to good-quality affordable housing

Housing refurbishment can lead to an improvement in general health and reduce health inequalities. Housing improvements may also benefit mental health. The provision of diverse forms and types of housing is associated with increased physical activity. The provision of affordable housing is strongly associated with improved safety perceptions in the neighbourhood, particularly among people from low-income groups. For vulnerable groups, the provision of affordable housing can lead to improvements in social, behavioural and health related outcomes. For some people with long term conditions, the provision of secure and affordable housing can increase engagement with healthcare services, which can lead to improved health-related outcomes. The provision of secure and affordable housing can also reduce engagement in risky health-related behaviours. For people who are homeless, the provision of affordable housing increases engagement with healthcare services, improves quality of life and increases employment, and contributes to improving mental health.

Access to housing meets a basic human need, although housing of itself is not necessarily sufficient to support health and wellbeing: it is also important that the housing is of good quality and affordable. Factors affecting the quality of housing include energy efficiency (eg effective heating, insulation), sanitation and hygiene (eg toilet and bathroom), indoor air quality including ventilation and the presence of damp and/or mould, resilience to climate change, and overcrowding. The affordability of housing is important because for many people, especially people on a low income, housing will be the largest monthly expense; if the cost of housing is high, people may not be able to meet other needs such as the need for heating in winter or food. Some proposals for NSIPs include the provision of housing, which could be beneficial for the health and wellbeing of the local population. It is also possible that some housing will be subject to a compulsory purchase order due to the land-take needed for an NSIP.

c. Access to affordable healthy food

Access to healthy food is related to the provision of public and active transport infrastructure and the location and proximity of outlets selling healthier food such as fruit and vegetables. For the general population, increased access to healthy, affordable food through a variety of outlets (shops, supermarkets, farmers' markets and community gardens) is associated with improved dietary behaviours, including attitudes towards healthy eating and food purchasing behaviour, and improved adult weight. Increased access to unhealthier food retail outlets is associated with increased weight in the general population and increased obesity and unhealthy eating behaviours among children living in low-income areas. Urban agriculture can improve attitudes towards healthier food and increase fruit and vegetable consumption.

Factors affecting access to healthy affordable food include whether it is readily available from local shops, supermarkets, markets or delivery schemes and/or there are opportunities to grow food in local allotments or community gardens. People in environments where there is a high proportion of fast food outlets may not have easy access to healthy affordable food.

d. Access to the natural environment

Availability of and access to safe open green space is associated with increased physical activity across a variety of behaviours, social connectedness, childhood development, reduced risk of overweight and obesity and improved physical and mental health outcomes. While the quantity of green space in a neighbourhood helps to promote physical activity and is beneficial to physical health, eg lower rates of mortality from cardiovascular disease and respiratory disease in men, the availability of green environments is likely to contribute more to mental health than to physical health: the prevalence of some disease clusters, particularly anxiety and depression, is lower in living environments which have more green space within a 1-km radius.

The proximity, size, type, quality, distribution, density and context of green space are also important factors. Quality of green space may be a better predictor of health than quantity, and any type of green space in a neighbourhood does not necessarily act as a venue for, or will encourage, physical activity. 'Walkable' green environments are important for better health, and streetscape greenery is as strongly related to self-reported health as green areas. Residents in deprived areas are more likely to perceive access to green space as difficult, to report poorer safety, to visit the green space less frequently and to have lower levels of physical activity. The benefits to health and wellbeing of blue space include lower psychological distress.

The natural environment includes the landscape, waterscape and seascape. Factors affecting access include the proximity of the natural environment to people's place of residence, the existence of public transport services or active travel infrastructure to the natural environment, the quality of the natural environment and feelings of safety in the natural environment. The construction of an NSIP may be an opportunity to provide green and/or blue infrastructure in the local area. It is also possible that green or blue infrastructure will be lost due to the land-take needed for the NSIP.

e. Access to the natural environment within the urban environment

Public open spaces are key elements of the built environment. Ecosystem services through the provision of green infrastructure are as important as other types of urban infrastructure, supporting physical, psychological and social health, although the quality and accessibility of green space affects its use, C19, ethnicity and perceptions of safety. Safe parks may be particularly important for promoting physical activity among urban adolescents. Proximity to urban green space and an increased proportion of green space are associated with decreased treatment of anxiety/mood disorders, the benefits deriving from both participation in usable green space near to home and observable green space in the neighbourhood. Urban agriculture may increase opportunities for physical activity and social connections.

A view of 'greenery' or of the sea moderates the annoyance response to noise. Water is associated with positive perceptive experiences in urban environments, with benefits for health such as enhanced contemplation, emotional bonding, participation and physical activity. Increasing biodiversity in urban environments, however, may promote the introduction of vector or host organisms for infectious pathogens, eg green connectivity may potentiate the role of rats and ticks in the spread of disease, and bodies of water may provide habitats for mosquitoes. Owing to economic growth,

population size and urban and industrial expansion in the EU, to maintain ecosystem services at 2010 levels, for every additional percentage increase in the proportion of 'artificial' land, there needs to be a 2.2% increase in green infrastructure.

The natural environment within the urban environment includes the provision of green space and blue space in towns and cities. Factors involved in access include the proximity of the green and/or blue space to people's place of residence, the existence of transport services or active travel infrastructure to the green and/or blue space, the quality of the green and/or blue space and feelings of safety when using the green and/or blue space. The construction of an NSIP may be an opportunity to provide green and/or blue infrastructure in the local urban environment. It is also possible that green or blue infrastructure in the urban environment will be lost due to the land-take needed for the NSIP.

- f. Access to leisure, recreation and physical activity opportunities within the urban and natural environments.

Access to recreational opportunities, facilities and services is associated with risk factors for long-term disease; it can increase physical activity, especially walking for recreation, reduce body mass index and overweight and obesity, reduce the risk of high blood pressure, and reduce the number of vehicle trips, the distances travelled and greenhouse gas emissions. It can also enhance social connectedness. Children tend to play on light-traffic streets, whereas outdoor activities are less common on high-traffic streets. A perception of air pollution can be a barrier to participating in outdoor physical activity. There is a positive association between urban agriculture and increased opportunities for physical activity and social connectivity. Gardening in an allotment setting can result in many positive physical and mental health-related outcomes. Exercising in the natural environment can have a positive effect on mental wellbeing when compared with exercising indoors.

Leisure and recreation opportunities include opportunities that are both formal, such as belonging to a sports club, and informal, such as walking in the local park or wood. Physical activity opportunities include routine activity as part of daily life, such as walking or cycling to work, and activity as part of leisure or recreation, such as playing football. The construction of an NSIP may enhance the opportunities available for leisure and recreation and physical activity through the provision of new or improved travel routes, community infrastructure and/or green or blue space. Conversely, construction may reduce access through the disruption of travel routes to leisure, recreation and physical activity opportunities.

## 2) **Traffic and Transport**

- a. Accessibility

Walkability, regional accessibility, pavements and bike facilities are positively associated with physical activity and negatively related to body weight and high blood pressure, and reduce the number of vehicle trips, the distances travelled and greenhouse gas emissions. Body mass index is associated with street network accessibility and slope variability.

Accessibility in relation to transport and travel has several aspects including whether potential users can gain physical access to the infrastructure and access to the services the infrastructure provides. The design and operation of transport infrastructure and the associated services should take account of the travel needs of all potential users including people with limited mobility. People whose specific needs should be considered include pregnant women, older people, children and young

people and people with a disability. Other aspects of transport infrastructure affecting accessibility include safety and affordability, both of which will affect people's ability to travel to places of employment and/or key local services and facilities and/or access their social networks.

b. Access to / by public transport

Provision of high-quality public transport is associated with higher levels of active travel among children and among people commuting to work, with a decrease in the use of private cars. Combining public transport with other forms of active travel can improve cardiovascular fitness. Innovative or new public transport interventions may need to be marketed and promoted differently to different groups of transport users, eg by emphasising novelty to car users while ensuring that the new system is seen by existing users as coherently integrated with existing services.

Transport facilitates access to other services, facilities and amenities important to health and wellbeing. Public transport is any transport open to members of the public including bus, rail and taxi services operated by the public, private or community sectors. For people who do not have access to private transport, access to public transport is important as the main agency of travel especially for journeys >1 mile. Access to public transport is not sufficient, however, and access by public transport needs to be taken into account: public transport services should link places where people live with the destinations they need or want to visit such as places of employment, education and healthcare, shops, banks and leisure facilities. Other aspects of access to public transport include affordability, safety, frequency and reliability of services.

c. Opportunities for / access by cycling & walking

Walking and cycling infrastructure can enhance street connectivity, helping to reduce perceptions of long-distance trips and providing alternative routes for active travel. Prioritising pedestrians and cyclists through changes in physical infrastructure can have positive behavioural and health outcomes, such as physical activity, mobility and cardiovascular outcomes. The provision and proximity of active transport infrastructure is also related to other long-term disease risk factors, such as access to healthy food, social connectedness and air quality. The perception of air pollution, however, appears to be a barrier to participating in active travel.

Perceived or objective danger may also have an adverse effect on cycling and walking, both of which activities decrease with increasing traffic volume and speed, and cycling for leisure decreases as local traffic density increases. Health gains from active travel policies outweigh the adverse effects of road traffic incidents. New infrastructure to promote cycling, walking and the use of public transport can increase the time spent cycling on the commute to work, and the overall time spent commuting among the least-active people. Active travel to work or school can be associated with body mass index and weight, and may reduce cardiovascular risk factors and improve cardiovascular outcomes. The distance of services from cycle paths can have an adverse effect on cycling behaviour, whereas mixed land use, higher densities and reduced distances to non-residential destinations promote transportation walking.

d. Links between communities

Social connectedness can be enhanced by the provision of public and active transport infrastructure and the location of employment, amenities, facilities and services.

e. Community severance

In neighbourhoods with high volumes of traffic, the likelihood of people knowing and trusting neighbours is reduced.

f. Connections to jobs

The location of employment opportunities and the provision of public and active transportation infrastructure are associated with risk factors for long-term disease such as physical activity. Good pedestrian and cycling infrastructure can promote commuting physical activity. Improved transport infrastructure has the potential to shift the population distribution of physical activity in relation to commuting, although a prerequisite may be a supportive social environment. Mixed land use, higher densities and reduced distances to non-residential destinations promote transportation walking.

The ease of access to employment, shops and services including the provision of public and active transport are important considerations and schemes should take any opportunity to improve infrastructure to promote cycling, walking and the use of public transport

g. Connections to services, facilities and leisure opportunities

Mixed land use, higher densities and reduced distances to non-residential destinations promote transportation walking. Access to recreational opportunities and the location of shops and services are associated with risk factors for long-term disease such as physical activity, access to healthy food and social connectedness. Increased distance of services from cycle paths can have an adverse effect on cycling behaviour.

### 3) **Socio Economic**

a. Employment opportunities including training opportunities

Employment is generally good for physical and mental health and well-being, and worklessness is associated with poorer physical and mental health and well-being. Work can be therapeutic and can reverse the adverse health effects of unemployment for healthy people of working age, many disabled people, most people with common health problems and social security beneficiaries. Account must be taken of the nature and quality of work and its social context and jobs should be safe and accommodating. Overall, the beneficial effects of work outweigh the risks of work and are greater than the harmful effects of long-term unemployment or prolonged sickness absence. Employment has a protective effect on depression and general mental health.

Transitions from unemployment to paid employment can reduce the risk of distress and improve mental health, whereas transitions into unemployment are psychologically distressing and detrimental to mental health. The mental health benefits of becoming employed are also dependent on the psychosocial quality of the job, including level of control, demands, complexity, job insecurity and level of pay: transition from unemployment to a high-quality job is good for mental health, whereas transition from unemployment to a low-quality job is worse for mental health than being unemployed. For people receiving social benefits, entry into paid employment can improve quality of life and self-rated health (physical, mental, social) within a short time-frame. For people receiving disability benefits, transition into employment can improve mental and physical health. For people with mental health needs, entry into employment reduces the use of mental health services.

For vocational rehabilitation of people with severe mental illness (SMI), Supported Employment is more effective than Pre-vocational Training in helping clients obtain



competitive employment; moreover, clients in Supported Employment earn more and work more hours per month than those in Pre-vocational Training.

b. Local Business Activity

It is important to demonstrate how a proposed development will contribute to ensuring the vitality of town centres. Schemes should consider the impact on local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work

In rural areas the applicant should assess the impact of the proposals on a prosperous rural economy, demonstrate how they will support the sustainable growth and expansion of all types of business and enterprise in rural areas, promoting the development and diversification of agricultural and other land based rural businesses.

c. Regeneration

Following rebuilding and housing improvements in deprived neighbourhoods, better housing conditions are associated with better health behaviours; allowing people to remain in their neighbourhood during demolition and rebuilding is more likely to stimulate life-changing improvements in health behaviour than in people who are relocated. The partial demolition of neighbourhoods does not appear to affect residents' physical or mental health. Mega-events, such as the Olympic Games, often promoted on the basis of their potential legacy for regeneration, appear to have only a short-term impact on mental health.

d. Tourism and Leisure Industries

The applicant should assess the impact of the proposed development on retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. In rural locations assessment and evaluation of potential impacts on sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors should be undertaken.

e. Community / social cohesion and access to social networks

The location of employment, shops and services, provision of public and active transport infrastructure and access to open space and recreational opportunities are associated with social connectedness. Access to local amenities can increase social participation. Neighbourhoods that are more walkable can increase social capital. Urban agriculture can increase opportunities for social connectivity. Infrastructure developments, however, can affect the quality of life of communities living in the vicinity, mediated by substantial community change, including feelings of threat and anxiety, which can lead to psychosocial stress and intra-community conflict.

f. Community engagement

Public participation can improve environmental impact assessments, thereby increasing the total welfare of different interest groups in the community. Infrastructure development may be more acceptable to communities if it involves substantial public participation.

4) **Land Use**

a. Land use in urban and / or rural settings

Land-use mix including infrastructure:

Land use affects health not only by shaping the built environment, but also through the balance of various types of infrastructure including transport. Vulnerable groups in the population are disproportionately affected by decisions about land use, transport and the built environment. Land use and transport policies can result in negative health impacts due to low physical activity levels, sedentary behaviours, road traffic incidents, social isolation, air pollution, noise and heat. Mixed land use can increase both active travel and physical activity. Transportation walking is related to land-use mix, density and distance to non-residential destinations; recreational walking is related to density and mixed use. Using modelling, if land-use density and diversity are increased, there is a shift from motorised transport to cycling, walking and the use of public transport with consequent health gain from a reduction in long-term conditions including diabetes, cardiovascular disease and respiratory disease.

Proximity to infrastructure:

Energy resource activities relating to oil, gas and coal production and nuclear power can have a range of negative effects on children and young people. Residing in proximity to motorway infrastructure can reduce physical activity. For residents in proximity to rail infrastructure, annoyance is mediated by concern about damage to their property and future levels of vibration. Rural communities have concerns about competing with unconventional gas mining for land and water for both the local population and their livestock."

b. Quality of urban and natural environments

Long-term conditions such as cardiovascular disease, diabetes, obesity, asthma and depression can be moderated by the built environment. People in neighbourhoods characterised by high 'walkability' walk more than people in neighbourhoods with low 'walkability' irrespective of the land-use mix. In neighbourhoods associated with high 'walkability' there is an increase in physical activity and social capital, a reduction in overweight and blood pressure, and fewer reports of depression and of alcohol abuse. The presence of walkable land uses, rather than their equal mixture, relates to a healthy weight. Transportation walking is at its highest levels in neighbourhoods where the land-use mix includes residential, retail, office, health, welfare and community, and entertainment, culture and recreation land uses; recreational walking is at its highest levels when the land-use mix includes public open space, sporting infrastructure and primary and rural land uses. Reduced levels of pollution and street connectivity increase participation in physical activity.

Good-quality street lighting and traffic calming can increase pedestrian activity, while traffic calming reduces the risk of pedestrian injury. 20-mph zones and limits are effective at reducing the incidence of road traffic incidents and injuries, while good-quality street lighting may prevent them. Public open spaces within neighbourhoods encourage physical activity, although the physical activity is dependent on different aspects of open space, such as proximity, size and quality. Improving the quality of urban green spaces and parks can increase visitation and physical activity levels.

Living in a neighbourhood overlooking public areas can improve mental health, and residential greenness can reduce the risk of cardiovascular mortality. Crime and safety issues in a neighbourhood affect both health status and mental health. Despite the complexity of the relationship, the presence of green space has a positive effect on crime, and general environmental improvements may reduce the fear of crime. Trees can have a cooling effect on the environment – an urban park is cooler than a non-green site. Linking road infrastructure planning and green infrastructure planning can produce improved outcomes for both, including meeting local communities' landscape sustainability objectives.

South Killingholme Parish Council would like the following questions answering before they can consent to the proposed changes to Able UK's plans

1. How can you build or change plans on land you do not possess? 'The Look Out' on Station Road has still not been purchased for the agreed £307,000. £117 was paid a year ago. Mr Danny Revill has been harassed and bullied. His home compulsory purchased, his home highlighted for possession and now demolition and yet he still has not been paid for the property. He is paying Council Tax on the land and as his council advocate we believe this needs attention ASAP. Also Able needs to stop the harassment of Mrs Milner who is 80 years old and does not live on land covered in the plans. The price offered for her house also under-priced.
2. Can we have some transparency please around cumulative effects of these changes. Has Able made a joint bid or any bid for free port status on 5th Feb? We haven't had a response from our e mail. No detailed response from our MP. Why has the council of Sth Killingholme and Immingham not been consulted on this? This is important as it would mean section 3.7 would be false. "There will be no impacts on local residents as a result of the proposed changes" It is the wide belief of the residents that Able lost their planned wind energy contracts and will be bidding as a container Freeport/business centre. This will significantly impact the community of Immingham and Sth. Killingholme via the A160 with more transport. More road pollution, more infrastructure stress. Where are the plans to mitigate the effects of these changes on the A160 and our village? Trees? Bushes? Planting? What has been done was planned before the Freeport bid and needs significant upgrading and attention.
3. 6.19 suggests Able will review the habitat and benthic communities with the reclamation of the area. When? Can this date be specified?

Kind Regards

Ms J.Gale

Clerk

On behalf of Sth Killingholme Parish Council

---

**From:** Stephen Vanstone [REDACTED]@trinityhouse.co.uk>  
**Sent:** 26 February 2021 08:30  
**To:** Able Marine Energy Park  
**Cc:** Russell Dunham; Trevor Harris  
**Subject:** FW: TR030006 – Able Marine Energy Park Material Change 2 –EIA Scoping Notification and Consultation / Reg 11 Notification  
**Attachments:** 4.2 Letter to stat cons Scoping & Reg 11 Notification.doc ABLE.pdf

Good morning Lucy,

I can advise that Trinity House is content with the Scoping Opinion Report and has no further comments to make at this time.

Kind regards,

**Stephen Vanstone**

Navigation Services Officer | Navigation Directorate | Trinity House

[REDACTED]@trinityhouse.co.uk | [REDACTED]

[www.trinityhouse.co.uk](http://www.trinityhouse.co.uk)



TRINITY HOUSE

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**From:** Able Marine Energy Park <[AbleMarineEnergyPark@planninginspectorate.gov.uk](mailto:AbleMarineEnergyPark@planninginspectorate.gov.uk)>  
**Sent:** 29 January 2021 15:24  
**To:** Navigation <[navigation@trinityhouse.co.uk](mailto:navigation@trinityhouse.co.uk)>; Thomas Arculus [REDACTED]@trinityhouse.co.uk>  
**Subject:** TR030006 – Able Marine Energy Park Material Change 2 –EIA Scoping Notification and Consultation / Reg 11 Notification

Dear Sir/Madam

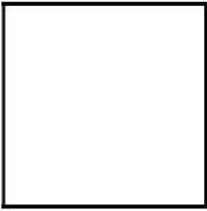
Please see attached correspondence on the proposed Able Marine Energy Park Material Change 2.

Please note the deadline for consultation responses is 28 February 2021, and is a statutory requirement that cannot be extended.

Kind Regards

Lucy Hicks  
EIA & Land Rights Advisor – Environmental Services Team  
Major Casework Directorate  
The Planning Inspectorate, 3M Kite, Temple Quay House, Temple Quay, Bristol, BS1 6PN

Helpline: 0303 444 5000  
Email: [REDACTED]@planninginspectorate.gov.uk  
Web: <https://infrastructure.planninginspectorate.gov.uk/> (National Infrastructure Planning)  
Web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) (The Planning Inspectorate)  
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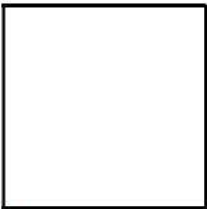


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**From:** Martin Evans [REDACTED]@west-lindsey.gov.uk>  
**Sent:** 26 February 2021 15:18  
**To:** Able Marine Energy Park  
**Subject:** PINS Ref TR030006. WEST LINDSEY DC Ref 142411

Dear Lucy Hicks,

Thank you for your letter dated 29/1/2021. WLDC has no comment to make on this consultation. Thanks.

Regards  
**Martin Evans**  
Senior Development Management Officer

[REDACTED]  
Guildhall | Marshall's Yard | Gainsborough | Lincolnshire | DN21 2NA



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