

## Application by Able Humber Ports Ltd for Able Marine Energy Park Material Change 2

### The Examining Body's written questions and requests for information (ExQ1)

Issued on Friday 19th November 2021

Please find below answers to the Examining Body's written questions from the Environment Agency (EA) [ref no. ABMC2-R19029].

Ref No.	Question	EA response
<b>2</b>	<b>Draft Amendment Order (DAO)</b>	
Q2.0.4	Are new, additional, or amended protective provisions envisaged. Please report on progress in negotiations with the various parties.	The EA does not anticipate requiring any new, additional or amended protect provisions.
<b>4</b>	<b>Hydrodynamics and Sedimentary Regime including Dredging and Deposition</b>	
Q4.0.1	Please respond to the EA's, MMO's and other parties' concerns set out in their RRs and report on the current state of agreement.	Please refer to the EA's Written Representation, paragraphs 3.1 to 3.10 for further information regarding this topic – all issues in respect of this topic are now resolved.
<b>6</b>	<b>Water Framework Directive (WFD)</b>	
Q6.0.7	Would the EA expand upon its concerns relating to the cumulative assessment undertaken for the WFD Assessment?	The EA is not yet satisfied that the Applicant has provided sufficient reasons for excluding certain projects from cumulative assessment. UES Section 6.4.0, Table 6-2 includes statements such as " <i>No likely cumulative effects predicted. AMEP was excluded from the cumulative assessment which accompanied this planning application.</i> ". This provides no indication or evidence to justify why no cumulative effects are expected for these developments. The EA, therefore, requests that clarity is provided for these projects to substantiate exclusion from the Cumulative Assessment. Please note that the EA's request for this clarification is not to imply that it is anticipating there to be any adverse

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		cumulative effects where HR Wallingford has stated ' <i>No likely cumulative effects predicted</i> ', but that some level of justification needs to be stated.
<b>7</b>	<b>Flood Risk</b>	
Q7.0.1	Please respond to the EA's concerns set out in their RR dated 13.8.21 and consultation response dated 26.5.21 and report on the current state of agreement.	There are no outstanding issues in respect of the flood risk assessment for this application.
Q7.0.3	What account has been taken of the emerging flood strategy (Humber 2100+)? Has UKCP 18 been taken into account?	The work to develop H2100+ is ongoing and there are only limited outputs from that work available at this time. However, the EA has taken account of the developing Strategy in making representations, and the applicant has taken account of the updated water levels developed as part of the modelling for H2100+. UKCP18 sea level allowances have been used in the applicant's assessments.
Q7.0.4	Have the discrepancies in interpretation of the legal agreement between the EA and the Applicant been resolved?	Yes, the Applicant has agreed that the 'improvement works' must be maintained for 20 years, while the elements of the quay that comprise strategic flood defences must be maintained until the quay is removed and replaced with an alternative flood defence. This agreement is included in the SoCG, to be submitted at Deadline 1, between the EA and the Applicant.
Q7.0.6	Is the EA satisfied with the Applicant's qualitative assessment of wave reflection onto the strategic flood defences?	Yes, the EA is satisfied with Applicant's qualitative assessment in respect of this.
Q7.0.7	South Bank Flood Agreement Clause 9.1(i): Have the EA's concerns over whether all persons owning a legal estate in the quay have entered into a legal agreement in the same terms as the original agreement been resolved?	The EA's concerns over two small areas of land on which the quay will be constructed but which are not yet in the applicant's ownership have yet to be finally resolved but it is hoped that progress in relation to these areas of land will be made soon. The EA and the Applicant will update the Inspector in due course.

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<b>13</b>	<b>Cumulative and in-combination effects</b>	
Q13.0.1	UES Table 8-1: Scoping Opinion, Item 4.19.1 Table 6 – Has the approach to cumulative assessment regarding the South Humber Bank Energy Centre been agreed with the relevant consultation bodies, bearing in mind possible hydrological effects?	The EA and the Applicant agrees that the South Humber Bank Energy Centre will not give rise to cumulative impacts with AMEP at a waterbody level as the SHBEC project will have no direct connection (water discharge or abstraction) to the Humber.
Q13.0.4	In their consultation response dated 26.5.21, the EA notes that there is little to evidence the cumulative impacts assessment. They express concern regarding the spatial area impacted for key habitat, lack of reference in the WFD assessment, and the absence of dredging projects from the cumulative assessment. Please discuss and resolve these matters.	Please refer to the EA's Written Representation, paragraphs 4.1-4.8, for further information regarding outstanding concerns relating to the WFD assessment.