

Mr Alan Novitzky
Examining Body
Planning Inspectorate
(submitted online only)

Our ref: AN/2021/132003/03-L02
EA ref: ABMC2-R19029
Your ref: TR030006
Date: 18 January 2022

Dear Sir

**Able Marine Energy Park - Material Change 2
Deadline 3 submission**

Please find below the Environment Agency's submission pursuant to Deadline 3.

- 1.0 The Environment Agency has no comments to make in respect of:
- Written Representations and responses to comments on Relevant Representations;
 - Amendments made to the Draft Amendment Order by the Applicant.
- 2.0 ***Water Framework Directive Assessment***
- 2.1 The Environment Agency has reviewed the revised Water Framework Directive Assessment (WFDa) (HRWallingford Ref: DER6453-RT004-R05-00, dated December 2021) and the amended assessment has resolved some of the issued raised, but not all of them and we comment as follows:
- 2.1.1 With reference to paragraphs 4.5-4.6 of our Written Representation ([REP1-032](#)), details of the SeDiChem tool have been provided. The updated report has provided a more viable explanation of the EQS exceedances of Benzo(a)Pyrene and Fluoranthene (explaining there being no headroom between measured values and annual average EQS, i.e. values are exceeding EQS values in the data analysed for these PAHs).
- 2.1.2 The updated document explains that whilst the Humber Lower is not currently failing for Benzo(a)Pyrene and Fluoranthene, *“during the dredging periods indicated below, and for a number of weeks afterwards, the dredging ... may contribute towards the future failure of Benzo(a)Pyrene and Fluoranthene status. This will largely depend on the timing of monitoring sampling within the Lower Humber”* (page 29). This causes some concern if by “status”, HR Wallingford is referring to a notable likelihood of a drop in status of these contaminants at the water body level – whilst described as being a short-term impact, this may be

significant if occurring on several occasions over an approximately two-year period. However, the following section '*Indicative dredge programme*' states that the temporary exceedances of these contaminants is "*unlikely to lead to deterioration of the water quality classification within the Lower Humber at the waterbody scale*". Whilst both statements could be true at the same time, and there is some subjectivity in the wording, "*may contribute towards*" could be seen to imply a higher likelihood of failure in status in contrast to "*unlikely to lead to*". Clarification is needed to determine if the overall risk of impacts is acceptable or not. It would therefore be valuable for them to clarify what is meant by "status" in the first instance (do they mean at the water body level for the Humber Lower?) and if possible, provide a clearer description of the likelihood of failure in status for these contaminants, which is consistent across these two statements in the report.

2.1.3 We confirm that the incorrect statement on Page 27 of the WFDa has been deleted (as per the request in paragraph 4.8 of our Written Representation).

3.0 **Cumulative Impacts**

3.1 In terms of the Environment Agency's comments relating to the WFDa and cumulative impacts, we are satisfied that these have now been address. However, as mentioned in paragraph 4.2 of our Written Representation ([\(REP1-032\)](#)), the evidence to justify why no cumulative effects are expected for some of the developments listed in the updated ES (Section 6.4.0, Table 6-2), have not yet been provided. Examples of the particular entries that we believe should be further evidenced/justified are for those where it is concluded "*No likely cumulative effects predicted. AMEP was excluded from the cumulative assessment which accompanied this planning application*". It is our view that these justifications should be presented in a more developed form and provide the rationale as to why the AMEP development was excluded from the cumulative impact assessments of the corresponding developments in such cases.

4.0 **Change of construction sequence for the quay**

4.1 The Environment Agency has also now reviewed the "*Modelling of sediment plume dispersion from AMEP construction activities*" document prepared by HRWallingford (Ref: DER6453-RT006 R01-00, dated 15 November 2021) and we confirm that this is acceptable and we are in agreement with its conclusions.

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

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