



Able Marine Energy Park Material Change 2 Case Team
National Infrastructure Planning
AbleMarineEnergyPark@planninginspectorate.gov.uk

By email only

MMO Reference: DCO/2013/00020
Planning Inspectorate Reference: TR030006

18 January 2022

Dear Sir or Madam,

Planning Act 2008 and the Infrastructure Planning Regulations - Application by Able Humber Ports Ltd for a Material Change to the Able Marine Energy Park Development Consent Order 2014

Deadline 3 Submission

On 29 September 2021, the Marine Management Organisation (MMO) received notice under Planning Act 2008 that the Planning Inspectorate (PINS) had accepted an application made by Able Humber Ports Ltd (Applicant) for determination of a Material Change 2 to the development consent order (DCO) for the construction and operation of Able Marine Energy Park (The Able Marine Energy Park Development Consent Order 2014) (MMO ref: DCO/2013/00020; PINS ref: TR030006).

The Applicant seeks authorisation for a Material Change 2 to the Able Marine Energy Park Development Consent Order 2014. This will consist of the following changes:

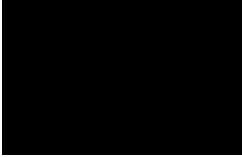
- a realignment of the proposed quay (within its existing limits of deviation) to remove a berth pocket at the southern end and introduce a setback at the northern end;
- changes to the construction methodology to allow the relieving slab at the rear of the quay to be at the surface as an alternative to being buried or to be omitted altogether, and the use of anchor piles as an alternative to flap anchors;
- consequential changes to dredging; and
- unrelated to the quay changes, the realignment of a footpath diversion to the north west of the site to go round the end of a railway track instead of crossing it

The MMO received a Notification of Procedural Decisions, Examination Timetable and procedure on 20 December 2021. In response to this letter, the MMO submits the following within Annex 1:

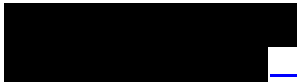


1. Comments on Relevant Representations
2. Comments on any amendments made to the DAO by the Applicant at Deadline 1
3. Comments on Applicant's proposed change to construction sequence that were not available at Deadline 2.

Yours faithfully



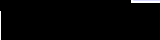
Katherine Blakey
Marine Licensing Case Officer



marinemanagement.org.uk

Copies of Deadline 3 response have been sent to:

Adam Tillotson (MMO Case Manager) –  [@marinemanagement.org.uk](mailto:marinemanagement.org.uk)


Chris Turner (MMO Senior Case Manager) –  [@marinemanagement.org.uk](mailto:marinemanagement.org.uk)

AMEP MC2 Project Team (Able Humber Ports Limited) - amepmc2@ableuk.com

Richard Cram (Engineering Director) - rcram@ableuk.com

Annette Hewitson (Environment Agency Principal Planning Adviser) -

 [@environment-agency.gov.uk](mailto:environment-agency.gov.uk)

Lauren Forecast (Natural England Advisor) -  [@naturalengland.org.uk](mailto:naturalengland.org.uk)



Annex 1

1. MMO Comments on Relevant Representations (RR)

Natural England (NE) [Examination Library Reference REP1-036]

1.1. The MMO has reviewed Natural England's RR and supports their request for further clarity in relation to the HRA Appropriate Assessment. The MMO defer to Natural England as the Statutory Nature Conservation Body (SNCB) regarding the Habitat Regulation Assessment (HRA) and for impacts to any habitats or species, both terrestrial and marine. The MMO will review future Natural England submissions and will provide comment in future where necessary.

Environment Agency (EA) [Examination Library Reference REP1-032]

1.2. The MMO has reviewed the Environment Agency's RR and supports their request for further clarity regarding points raised in section 4.2 of their relevant representation titled 'Water and Sediment Quality and the Water Framework Directive' (WFD). The MMO will review future Environment Agency submissions and will provide comment in future where necessary.

Able Humber Ports Limited [Examination Library Reference REP1-026]

1.3. The MMO welcomes ongoing proactive discussions with the applicant regarding changes to the DML and acknowledges that it is for the MMO to share further proposed changes to allow these discussions to continue. The MMO intend to share proposed changes to the DML and discuss with the applicant before Deadline 5.

1.4. The MMO note that no further information has been provided about the East Marine Plan Policy Assessment, and requests that this is addressed before Deadline 4. The applicant has advised that an updated Marine Plan Compliance table will be submitted at Deadline 3.

Historic England (HE) [Examination Library Reference REP1-039]

1.5 The MMO has reviewed Historic England's RR and supports their request for further information. The MMO supports the requested update on the delivery of Requirement 18 of the original DCO with regard to the listed building named 'Killingholme North Low Lighthouse'. The MMO defer to Historic England for all heritage impact matters.

2. Comments on any amendments made to the Draft Amendment Order (DAO) by the Applicant at Deadline 1



2.1 The MMO do not currently have any comments on the amendments made to the DAO by the Applicant at Deadline 1, however, we reserve the right to submit a subsequent representation on this at a later deadline if we consider it necessary.

3. Comments on Applicant's proposed change to construction sequence that were not available at Deadline 2.

The MMO has the following comments on document '*Modelling of sediment plume dispersion from AMEP construction activities, HR Wallingford*' [Examination Library Reference AS-005]. An update to the document will be welcomed to address these comments.

- 3.1 The MMO note that Sections 6.2.1 (early phase) and 6.3.1 (late phase) present data on depth-averaged suspended sediment concentration (SSC) increases, which indicate (absolute) increases over background of up to 50mg/l. The general conclusion is that the absolute increases are low in an estuary context. However, Section 4 (background SSC) lists peak SSC (at various estuary locations around the site) which the MMO consider would be more valuable presented as background values (while minimum values would be indicative of the potential worst case instantaneous change). It can be assumed that the works will occur at 'off-peak' times (i.e., dredging is not likely to occur in excessive weather/flow states associated with peak SSC) so the relative increase over background is not well represented. While the MMO appreciate that the peak value shows that very high SSC is not unusual in the location, comparison with the mean would make a stronger point with respect to the significance of the chronic effect.
- 3.2 The MMO also consider that the report does not discuss in significant depth the change in SSC relative to the previous phasing of construction works - the nominal subject of this report being the relative consequence of changing the construction sequence. However, the report also presents (i) deposition in Sections 6.2.2 and 6.3.2 (being little more than a few mm per tidal cycle, and therefore effectively undetectable by depth monitoring methods), and (ii) the increase in infill at nearby berths (Table 6.1 and 6.2). The increase in infill relative to previous modelling is largely negligible, except for the nearby South Killingholme Oil Jetty – here, the infill increases 12-fold (to 38m³ per tidal cycle) for the first phase and 70-fold (to 219m³) in the late-stage results. The MMO consider that it would be of value to know how these volumes compare with typical maintenance dredge requirements i.e., an explicit demonstration that maintenance dredge requirements are unaffected by this volume. In addition, for further confidence, the MMO would like to see a simple numerical (or graphical/mapping) indication of the relative magnitudes of SSC increase relative to the mean, and infill at the oil jetty berth.



3.3 The application does not address what impact the third cross dam listed amongst the material changes would have and how this relates to the modelling presented - the phrase 'cross dam' does not appear in the document. The MMO consider it is unlikely to have a significant impact on the overall conclusions and is unlikely to require additional modelling, however, for clarification purposes, the MMO request comments (quantitatively) on the physical impact of this feature relative to the modelling presented i.e., whether the cross dam has any new pathway to impact as a result of the new construction phasing.

