



Able Marine Energy Park

Material Change 2

Applicant's Responses to

ExB's Third Round of

Written Questions



Application by Able Humber Ports Ltd for Able Marine Energy Park Material Change 2
The Examining Body's written questions and requests for information (ExQ3)
Issued on 15 February 2022

The following table sets out the Examining Body's (ExB's) written questions and requests for information – ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Regulation 27 and 28 letter of 19 October 2021. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExB would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 3 (indicating that it is from ExQ3) and then has an issue number and a question number. For example, the first question on proposed changes generally is identified as Q3.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact AbleMarineEnergyPark@planninginspectorate.gov.uk and include 'Able Marine Energy Park Material Change 2' in the subject line of your email.

Responses are due by Deadline 5: 1 March 2022



Abbreviations used:

AEol	Adverse Effect on Integrity	LIR	Local Impact Report
agl	above ground level	LPA	Local Planning Authority
App	Applicant	MMO	Marine Management Organisation
C.GEN	C.GEN Killingholme Limited	NE	Natural England
C.RO	C.RO Ports Killingholme Limited	NELDB	Northeast Lindsey Drainage Board
DAO	Draft Amendment Order	NLC	North Lincolnshire Council
DCO	Development Consent Order	NPS	National Policy Statement
dDCO	Draft Development Consent Order	NSIP	Nationally Significant Infrastructure Project
EA	Environment Agency	PA2008	The Planning Act 2008
EM	Explanatory Memorandum	RR	Relevant Representation
ES	Environmental Statement	SoS	Secretary of State
ExB	Examining Body	UES	Updated Environmental Statement
HMBCE	Historic Buildings and Monuments Commission for England	WFD	Water Framework Directive
HRA	Habitat Regulations Assessment	WSI	Written Scheme of Investigation

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the [Examination Library](#), which will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ3 1.0.1 – refers to question 1 in this table.

ExQ3: 1 March 2022**Responses are due by Deadline 5: 1 March 2022 at 23:59**

ExQ3	Question to:	Question:	
1.	General and Cross-topic Questions		
Q1.0.1	All	Where up-dated documents are supplied, please supply a tracked as well as a clean version.	Noted.
Q1.0.2	App	Following the ASI of 10 February 2022, please supply copies of the drone photographs/videos relating to location P1.	These were supplied to the Planning Inspectorate by Able (email dated 14/02/22) and BDBP (email dated 17.02.22).
Q1.0.3	App	What height above ground level are the existing lamp standards on the northern part of the AMEP site?	<p>The Applicant confirms that the height above ground level for existing light columns are either 21m or 30m.</p> <p>The Applicant has submitted drawing AME-036-30008 to illustrate where the existing light columns are located, as document reference TR030006/D5/2.</p>
Q1.0.4	ABP	What height above ground level are the ABP silos to the south of the AMEP site?	This question is not addressed to the Applicant.

ExQ3	Question to:	Question:	
Q1.0.5	APP	Which of the Requirements of the DCO have been discharged? Would MC2 give rise to the need to revisit discharged Requirements?	<p>The Applicant has provided details of the Requirements of the existing DCO which have been discharged separately, as document TR030006/D5/3.</p> <p>As noted, some of the details approved when requirements were discharged will need to be changed as a result of MC2. For example, under requirement 11 an implementation plan for the diversion of footpath 50 was approved. This related to the diversion route consented under the original DCO, and will therefore need to be updated if the new route is approved.</p>
Q1.0.6	MMO	Is the MMO content with the Applicant's response in REP4-009 to its DL3 submission [REP3-019]?	This question is not addressed to the Applicant.
Q1.0.7	APP, MMO	Please report on the outcome of the meeting with the MMO to discuss changes to the DML.	The Applicant and the MMO had a constructive meeting in which the proposed changes to the DML were discussed, and the Applicant has made a number of minor amendments in response to comments received. The MMO is now content with the proposed changes, as confirmed in the final SoCG between the Applicant and the MMO submitted at Deadline 5, TR030006/D5/SOCG/MMO. The agreed version of the amended DML is appended to the SoCG
Q1.0.8	MMO	Re: ExQ2: 5.0.7 and 4.0.1, is the MMO content with the process of ascertaining the suitability of supplementary/amended monitoring within the MEMMP?	This question is not addressed to the Applicant.

ExQ3: 1 March 2022**Responses are due by Deadline 5: 1 March 2022 at 23:59**

ExQ3	Question to:	Question:	
Q1.0.9	App	Would the Applicant respond to point 2.1 in the MMO's DL4 submission [REP4-031] regarding the Updated East Marine Compliance Table [REP3-003]?	<p>The Applicant submits an updated East Marine Compliance Table, with document reference TR030006/D5/4.</p> <p>This updated submission corrects the typo flagged by the MMO and removes the row which referred to an "Application Assessment Result" as well as the last 4 columns of the original East Marine Compliance Table (REP3-003).</p> <p>The Applicant intended for the MMO to complete these sections and explained this to the MMO following its submission at Deadline 4 (REP4-031). The MMO requested that these sections be deleted and confirmed that deleting these sections would not impact the body of the assessment.</p> <p>The MMO has also confirmed that they have no outstanding concerns regarding the marine plan assessment undertaken by the Applicant. The updated East Marine Compliance Table, submitted at this Deadline 5, has been approved by the MMO.</p>
Q1.0.10	App	Re: ExQ2: 6.0.2, the EA notes that the previously agreed benthic invertebrate monitoring scheme [REP1-025] should be amended to include the proposed disposal at HU081 and consideration given to whether the current monitoring proposal remains appropriate. What is the Applicant's response?	<p>The Benthic Invertebrate Monitoring Scheme (the Plan) is anticipated to require only minor amendments in order to incorporate details of the additional disposal quantity and disposal site. The Applicant does not expect that the Study Area shown in Figure 1 of the Plan, or the Location of Monitoring Stations shown in Figure 5 of the Plan would require</p>

ExQ3			
	Question to:	Question:	
			amending. Agreement to any changes would be sought following the decision on the MC2 application.
Q1.0.11	NLC	As noted in the SoCG [REP4-024], would NLC like to report on its review of the additional photomontages submitted [RE1-015]?	This question is not addressed to the Applicant.
Q1.0.12	EA	Re: ExQ2:6.0.3, is the EA content with the Applicant's text amendment in the revised WFD [REP4-020] regarding the worsening status for PHAs that are not currently failing? Is the EA content with the remainder of the revised WFD?	This question is not addressed to the Applicant.