

Ms Nicola Stone
DfT Environmental Manager
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our ref: AN/2021/132003/04-L01
Your ref: TR030006
Date: 15 June 2022

Dear Madam

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010
Application by Able Humber Ports Limited (Able) (“the Applicant”) for an amendment to the Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935) to accommodate a material change.

Thank you for notifying the Environment Agency of the Secretary of State’s request to the Applicant for an update to Chapter 13 of the Updated Environmental Statement: Flood Risk and Drainage.

The Applicant has contacted the Environment Agency in respect of this request and we have agreed that the following amendments would present an accurate reflection of the provisions of the legal agreement between the two parties:

Table 13-1 (Last entry re Page 31, Paragraph 4.7.2)

The change in quay alignment is unlikely to affect the potential for overtopping at the site. It is however noted that updated assessment is required to ensure compliance with the 2l/s/m over topping limit for the ~~existing flood defences~~ ‘Improvement Works’ adjacent to the quay for a period of twenty years, ~~and for the lifetime of the ‘Quay Strategic Flood Defences’~~ as specified in the legal agreement between Able and the EA.

13.2.11, bullet point 3

The Environment Agency expect the applicant to adhere to the terms of the 2013 legal agreement relating to Flood Defences between Able Humber Ports Limited and the Environment Agency (Appendix UES13-2). Specifically, they advised that the ~~requirement to limit over topping of existing ‘soft’ flood defences to 2 l/s/m~~ ‘Improvement Works’ provide the required ‘Standard of Protection’ (i.e. 0.5% annual probability of sea flooding and allowing an overtopping rate not exceeding 2 litres per second per metre of structure length), which should be maintained for 20 years, and must reflect the current understanding of extreme water levels and current guidance relating to potential changes in sea level and wave height associated with climate change. The ‘Quay Strategic Flood Defences’ are required to provide the same ‘Standard of Protection’ until

such a point that the Quay is removed and replaced with an alternative flood defence meeting the Standard of Protection.

We request the Secretary of State accepts this letter as confirmation of our agreement that the amended Chapter 13 (to be submitted by the Applicant) now accurately reflects the provisions of the legal agreement between the Applicant and the Environment Agency.

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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