

The Examining Authority
National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: AN/2023/134135/03-L01
Your ref: TR030007
Date: 5 September 2023

(submitted via the online portal only)

Dear Sirs

Application by Associated British Ports for an Order Granting Development Consent for the Immingham Eastern Ro-Ro Terminal – Deadline 2 submission

On 19 April 2023, the Environment Agency made Relevant Representations [[RR-009](#)] on the proposal by Associated British Ports ('the Applicant') to construct and operate a three-berth roll-on/roll-off cargo facility ('the Project') within the Port of Immingham. The purpose of these Written Representations is to provide an update on the issues, which require further discussion/negotiation, as outlined in those Relevant Representations.

The Environment Agency met with representatives of the Applicant on 4 May 2023 to discuss its representations and subsequently received a letter on 21 July 2023 (attached as Appendix A below for information) outlining the Applicant's formal response to these – the responses in that letter appear to be largely reflected in the Applicant's Deadline 1 submission, Document 10.2.12 Responses to Relevant Representations [[REP1-013](#)]. We replied to the Applicant's letter on 4 August 2023 (attached as Appendix B below for completeness) and provide details of our current position below.

1.0 Document 3.1: draft Development Consent Order

1.1 Schedule 1 Authorised Development - Ancillary Works

The Applicant has confirmed that the flood refuge platform will be on the first floor of the office block. We are satisfied that the flood refuge platform would serve as an area of safe refuge for the office itself. If this area is to serve the rest of the site, we would urge the Applicant to consider the potential depths of flood water surrounding the office block that personnel may need to pass through to reach the office building. This is something that the Applicant would need to raise with their Contractor, who is to produce the Flood Emergency Response Plan, as outlined in Table 3.5 (Coastal Protection, flood defence and drainage) of the Construction Environmental Management Plan (CEMP) [[APP-111](#)], noting that it may be some time before this refuge platform is built/available. North East Lincolnshire Council, as the relevant Emergency Planning Authority, may have

additional comments to make on the emergency response arrangements, but we have no further comments to make on this issue.

1.2 **Schedule 2 – Part 1, Requirements**

Requirement 8 – Construction and Environmental Management Plan

The Applicant confirmed that it would include the Environment Agency as a consultee to any amendments to this document relating specifically to flood mitigation measures – similarly, they confirm in Table 8.21, reference 3.2 in the Responses to Relevant Representations document [REP1-013] that this would be the case. We note in the amended draft Development Consent Order (Revision 2) [REP1-004] submitted at Deadline 1, that the wording of Requirement 8 is now such that it is no longer ‘open’ to potential amendment or further consultation. The Applicant appears to have concluded that the submitted CEMP [APP-111] is the only version that will be produced as “*The CEMP and supporting appendices detail the commitments and working practices to which the Principal Contract must adhere*” [REP1-008 – in response to ISH1 action points 22 and 24].

- 1.3 We noted in our Relevant Representation (paragraph 12.4 [REP-009]) that additional flood resilience measures would be required and the CEMP should, accordingly, be updated to include specific measures. However, Table 8.21, Reference 12.4 of REP1-013 in response to this states “*The Environment Agency’s position has been noted and, on that basis, no further response is required*”.
- 1.4 Although paragraph 5.2.18 of the National Policy Statement for Ports (NPSfP) acknowledges that the incorporation of flood resilience measures into any port facility is a commercial resilience risk for the Applicant, it also states (in paragraph 5.2.9), in guidance for the decision-maker that they should ensure that “*in flood risk areas the project is appropriately flood resilient and resistant*”. As this is guidance for the decision-maker, we leave it to the discretion of the Examining Authority as to whether to now require the submitted CEMP [APP-111] to be updated to state the flood resilience measures that will be implemented – this document does not currently commit to implementing any specific measures, it only mentions that “*flood resilience measures can be incorporated into the IERRT project*” (Page 23), then lists 6 suggestions.
- 1.5 **Schedule 2, Part 2 – Procedure for Discharge of Requirements**
We welcome the Applicant’s amendment to Requirement 22 (2) from 10 to 20 business days as requested. We note that the Applicant has not addressed our request to extend the timescale in paragraph 23(2)(e). However, having given further consideration to this point, we are satisfied that should the discharging authority require our assistance with any appeal, there appears to be an adequate mechanism available to agree on an extension to these timescales if required. We therefore withdraw this representation.
- 1.6 **Schedule 4, Part 2, For the protection of the Environment Agency - Protective Provisions**
The Protective Provisions for the Environment Agency have been amended in Revision 2 of the draft DCO [REP1-004] to reinstate the original text requested by us for clause 20(3)(b), i.e. to state that any approval is deemed to have been refused if it is neither given nor refused within 2 months of submission. This reflects the provisions in the Environmental Permitting Regulations 2016 and is welcomed.

1.7 However, we now note that the Applicant has inserted additional text into clause 19(1), which we do not accept. The additional wording will cause the Protective Provisions to no longer apply at the commencement of the operation of the development. If there are still residual issues to be dealt with at that time, such as *“all debris and surplus material being removed from the land adjacent to the flood defence to avoid erosion”* specified in clause 22 for example, this would no longer be able to be dealt with through the Protective Provisions. Accordingly, we cannot provide our formal agreement to the disapplication of the Environmental Permitting Regulations 2016 and the inclusion of these Protective Provisions until this additional wording is deleted.

2.0 Chapter 7 – Physical Processes [APP-043]

2.1 The Applicant has provided additional information which satisfies our concerns and explains the ‘undefined value’. However, we would reiterate that although we did manage to interpret the diagram with inverted topography/bathymetry and are aware of such issues, other readers of this information, may not be so aware. Others may also not be so familiar with the area and will need the north arrow, scale bar etc. to enable them to orient themselves. In respect of the “undefined value”, the label could be changed to reflect what it is intended to represent, i.e. “area exposed at high water” or “area above normal high water”.

2.2 It is our view that in the interests of open and transparent consultation, alongside the Environmental Statement becoming a ‘certified document’ under Article 33 of the DCO, these figures need to provide an accurate representation of the assessment made and should, therefore, be revised. However, we will leave this to the discretion of the Examining Authority to decide if this is required.

3.0 Chapter 8 - Water and Sediment Quality [APP-044]

3.1 No further comment is required at this time.

4.0 Chapter 9 – Nature Conservation and Marine Ecology [APP-045]

4.1 We are currently reviewing the response that the Applicant has presented in respect of our request (set out in Section 6 of [REP-009]) for a condition in the Marine Licence to prevent percussive piling taking place when temperature and/or dissolved oxygen are at levels that will already be placing salmon at increased stress when migrating through the estuary. Responses to Relevant Representations document [REP1-013], Table 3.4, references 6.4-6.7 and the Applicant’s letter to the Environment Agency of 21 July 2023, attached below as Appendix A, set out the response and we are discussing this further with the Marine Management Organisation. We will provide the Examining Authority with an update on this issue as soon as possible.

5.0 Chapter 11 - Coastal Protection [APP-047]

5.1 The Applicant has confirmed that the jetty will not impact the integrity of the flood defences and we have no further comments to make on this issue.

6.0 Appendix 11.1 - Flood Risk Assessment [APP-093]

6.1 The Applicant has explained why it is not practicable to raise the finished floor levels of the IERRT buildings any further than 300mm (see Responses to Relevant Representations document [REP1-013], Table 6.16, reference 7.2.1) - we are satisfied this explanation is reasonable and we have no further comments to make on this matter.

7.0 Chapter 12: Ground Conditions Including Land Quality [APP-048]

7.1 No further comment is required on this matter.

8.0 Chapter 20: Cumulative Effects [APP-056]

8.1 No further comment is required on this matter.

9.0 Chapter 21: Impact Assessment Summary [APP-057]

9.1 Table 21.1 - Coastal protection, flood defence and drainage – Construction and Operational Phase

The Environment Agency's Relevant Representation stated its view that the mitigation measures for flood defences (on and off-site): Changes in tidal regime e.g. wave heights, water levels, erosion/ deposition due to dredging/ construction activities, are not representative. This is because the Environment Agency has no maintenance programme for the assets on site and only maintains assets that it has responsibility for off-site. Mitigation measures proposed should be regarding Associated British Port's maintenance programme on-site rather than the Environment Agency's.

9.2 The Applicant has now helpfully explained in its Responses to Relevant Representations document [REP1-013] (Page 160) that "*although ABP are responsible for the flood defence infrastructure along the Port of Immingham frontage, these defences are inspected annually by the EA who then inform ABP of any actions that need to be taken*". As set out in paragraph 10.1 of the Environment Agency's Relevant Representation [RR-009], it is our view that the document should be updated to accurately reflect the maintenance responsibilities, but again we will leave this to the discretion of the Examining Authority to decide if this is required.

10.0 Document 9.7 - Schedule of Mitigation [APP-116]

10.1 The Environment Agency's Relevant Representation stated its view that the "*where mitigation is secured*" column for flood risk (page 11 onwards) column should recognise that some of the flood resilience and resistance measures are secured through the flood risk assessment and therefore reference to the DCO Schedule 2, Part 1, Requirement 13 should be included.

10.2 The Applicant has now helpfully explained in its Responses to Relevant Representations document [REP1-013] (Page 160) that "*although ABP are responsible for the flood defence infrastructure along the Port of Immingham frontage, these defences are inspected annually by the EA who then inform ABP of any actions that need to be taken*". Alongside this, the Applicant's letter to us dated 21 July 2023 acknowledged that "*This will be reviewed, amended and issued during the course of the examination process*". Accordingly, we look forward to reviewing the amendments to this schedule in due course.

11.0 Further Representations

11.0 Once again, we would like to confirm that the Environment Agency has no objection to the principle of the development; the outstanding matters mentioned above are all capable of resolution through further negotiation and agreement. However, we reserve the right to add or amend these representations, including requests for DCO Requirements and Protective Provisions should further information be forthcoming during the examination on issues within our remit.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me at the number below.

Yours faithfully

Annette Hewitson MSc MRTPI
Principal Planning Adviser

Direct dial [REDACTED]

Direct e-mail [REDACTED]

Appendix A

Letter from Associated British Ports to the Environment Agency dated 21 July 2023

Annette Hewitson

Principal Planning Adviser

By Email Only: [REDACTED]

21 July 2023

Dear Annette

Immingham Eastern Ro-Ro Terminal – EA Relevant Representation & PAD summary

As we discussed during our telephone call recently, there do appear to be a number of matters referenced in your Relevant Representations that can probably – and hopefully - be easily resolved. On that basis, I hope the following may be of assistance.

Document 3.1: draft Development Consent Order

With regards to the flood refuge platform which is described as part of the ancillary works, we can confirm that this will constitute the first floor of the office building.

The CEMP - In the Requirements section of Schedule 2, you are quite correct to state that the Construction and Environmental Management Plan does indeed secure flood risk mitigation measures, amongst other mitigation protocols. We are, therefore, content to include the Environment Agency as a consultee on any amendments to this document where those changes relate specifically to flood mitigation measures.

Discharge of Conditions – Where the procedure for the discharge of requirements is specified in Part 2 of Schedule 2, we note the Environment Agency’s concern that insufficient time for adequate consultation for the discharge of requirements is currently provided. We do, of course, recognise the importance of an open and unfettered consultation process with our statutory stakeholders and will agree to amend consultation timescales in Requirement 22, para, (2) from 10 to 20 business days as you have requested.

Deemed approval - Schedule 4, part 2 details provisions for the protection of the Environment Agency. Paragraph 20 (3) (b) states that, having received a request for approval of work plans the approval of the Agency ‘is deemed to have been approved if it is neither given nor refused within 2 months of the submission of the plans or receipt of further particulars if such particulars have been requested by the Agency for approval.’ As you know, as applicant, we have requested the disapplication of consent required in relation to flood risk activity under the Environmental Permitting Regulations 2016. We note that the provisions included in the draft DCO have been slightly amended from those provided by the Environment Agency, where the phrase ‘is deemed to have been refused’ has been

amended to read 'is deemed to have been approved', and that the EA have specifically listed this concern in their PAD.

I am pleased to say that we have reviewed your request for alternative wording, and can confirm that this change will indeed be adopted. The phrase 'is deemed to have been approved' will therefore be amended to read 'is deemed to have been refused' in Schedule 4, part 2, paragraph 20 (3) (b).

Chapter 7: physical processes

We are pleased to note that the EA is satisfied with the methodology and data sources applied to the assessment. We also acknowledge the EA's review of our dispersion plume and sedimentation modelling which indicates that plumes resulting from dredging and disposal disperse into the background turbidity of the estuary quickly, resulting in a low exposure to change. As regards the organic sediment layer, which caused anomalous profile traces in the sub-bottom profiling, we note you are nevertheless satisfied with our interpretation of the site characterisation.

As regards the bathymetry plots indicated in figures 4 and 9 in appendix 7.2, we apologise that the shading appears to show inverted topography, this is a result of a switch between depth-negative and depth-positive scale bars. This was not our intention and is a direct result of the different image processing software. Nevertheless, we hope and presume from your reply, that the relative bed level differences could still be interpolated. With regard to these figures, and indeed the further figures that you cite (14, 15, 16 and 17), we could revise these to provide the easy identification of features and orientation which you have requested although we would hope that this will not be necessary in light of our explanation below.

To assist with interpretation, Profile line A-A' (Figure 15; Appendix 7.2) and Profile line B-B' (Figure 16; Appendix 7.2) both run approximately northwest to southeast; and Profile line C-C' (Figure 17; Appendix 7.2) runs approximately south-southwest to north-northeast. Lastly, within figure 7.19 (volume 2), there is no evidence to indicate that the IERRT project has the potential to cause any meaningful change to bed thickness at the base of the existing defences. Where the 'undefined value' is shown on this figure, this represents a region of the model that is exposed at the tidal state shown (i.e. there is no water in the model at this location at this timestep). Regardless of tidal state, there is only predicted to be changes to bed thickness within the coloured regions shown on Figure 19 (Volume 2).

Chapter 8: water and sediment quality

We note that the EA supports the conclusion of the Water Framework Directive assessment on the proviso that Natural England does not raise any issues where there could be cross-correlations with the Habitats Regulations Assessment conclusions.

Chapter 9: nature conservation and marine ecology

We note the Environment Agency's concern that avoidance behaviour exhibited by migratory fish creates an additional oxygen demand, which, if combined with high water

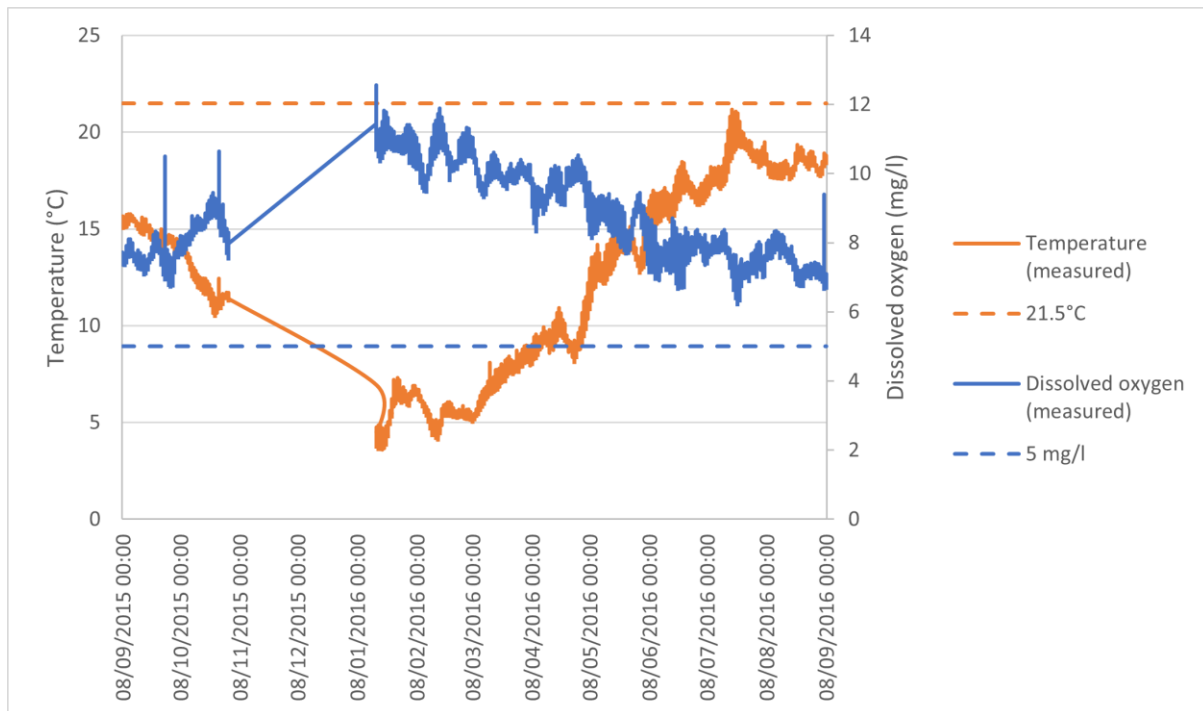
temperatures and hyper-nutrication causes a dissolved oxygen sag. In the summer this could result in increased mortality of salmon. You have suggested that that we should deploy an active monitoring scheme whereby water temperature and dissolved oxygen are monitored on a continual basis, and if certain thresholds are breached then percussive piling would need to stop.

We recognise that this requirement was requested for construction works at Green Port Hull and the Able Marine Energy Park, although we would make the point that the estuary is much narrower in those areas. At Immingham, the wider width of the estuary would allow greater opportunities for passage. We are currently liaising with the MMO and Cefas on mitigation measures for the benefit of migratory fish, with this review comprising a fundamental analysis of the propagation of sound underwater and the barrier potential posed by impact piling in particular. We understand that the EA has abrogated its regulatory function on the matter of the Humber fishery to the MMO, however we also understand that the EA, as part of its regulatory function, will still retain an interest in the Humber fishery.

We note the EA concern that there are certain periods when water conditions will make fish more vulnerable to disturbance and your suggestion that the DCO should contain a marine licence condition for percussive piling to cease when monitoring shows temperatures above 21.5 degrees Celsius or dissolved oxygen is below 5mg/l, or both. We have, as you will know, already employed this monitoring protocol for our Green Port Hull development, upstream of Immingham. The data has presented in a graph below. In summary we can state that:

- The data covers the period from 08/09/2015 to 08/09/2016 (though there is a gap between 02/11/2015 and 18/01/2016)
- There is a negative correlation between temperature and DO
 - This is because the solubility of oxygen increases as water temperature decreases (i.e., cold water can hold more dissolved oxygen than warm water)
- No temperature measurements exceeded 21.5°C (the threshold above which the EA suggest percussive piling should cease if monitoring was to be undertaken) –
 - The maximum recorded temperature was 21.17°C
 - The average recorded temperature was 12.5°C
- No measurements of DO fall below 5 mg/l (the threshold below which the EA suggest percussive piling should cease) –
 - The minimum DO concentration was 6.23 mg/l
 - The average DO concentration was 8.79 mg/l

It is also worth stating that this data set represents a conservative view in the sense that Immingham is much closer to the mouth of the estuary than Hull and therefore is the recipient of greater tidal mixing opportunities with colder, oxygenated water from the North Sea.



Salinity in an estuary varies according to one's location in the estuary, the daily tides, and the volume of fresh water flowing into the estuary. In estuaries, salinity levels are generally highest near the mouth where the seawater enters and lowest upstream where freshwater flows in.

Whilst we have no objection in principle to installing a monitoring buoy during the time that IERRT marine works are ongoing, based on the data shown above we would question whether this actually represents value for money or indeed a proportionate condition. The graph above indicates that at Hull – further away from the mouth of the estuary and therefore further along the salinity gradient – there were no issues over the summer period and so we feel it is reasonable to predict that conditions at Immingham will be even more benign.

Chapter 11: coastal protection, flood defence and drainage

The Environment Agency has requested clarification as to whether changes to the tidal regime will have an impact upon the integrity of the flood defences. Whilst the language used to express the magnitude of any potential change does vary, the overall intimation is that any such changes will be muted to the point of being indistinguishable from natural variation. We are, therefore, pleased to confirm that there will not be an impact on the integrity of existing flood defences in the location of the project. The fronting river wall of the port is a stone-faced revetment which is regularly inspected and repaired where necessary. It was built to withstand the tidal forces of the estuary. Since that time a significant amount of intertidal mud has built up on the toe of that revetment, protecting it from erosion even further.

Furthermore, the various jetties that have been built in more recent times along the port's frontage serve to deflect and mute the intensity of wave energy. The current flood defence

wall, comprising rock-filled gabion baskets, will not be affected with the approach jetty oversailing and not coming in to contact with it.

Appendix 11.1: Flood risk assessment

The finished floor level of the various buildings is stated to be 30 cm above the surrounding ground level. It would not be practicable to raise this level any further, principally because a number of these structures require vehicular access and/or rapid, unfettered personnel access. To incorporate long ramps or staircases in order to reach the ground floor could impede the running of a busy unit load facility where rapid processing of paperwork, cargo and vehicles is required.

On the subject of flood risk, we also note that the EA acknowledge the applicant's plan to improve and raise the crest of the static flood defences along the Port of Immingham frontage to 6.1 m AOD. This is indeed a crucial element of ABP's future business growth where the port's ongoing ability to respond to structural changes in the UK's balance of trade must necessarily be accompanied by measures to compensate for the effects of sea level rise. It should be noted, however, that these proposals are entirely independent of the IERRT proposal and will proceed as and when design and capital expenditure is approved.

Lastly, we note the EA's comments that tidal defences are inspected annually, instead of twice a year as erroneously reported in the flood risk assessment.

Chapter 12: ground conditions including land quality

Whilst ground investigations have indeed been undertaken and reviewed in the EIA, we are pleased that the EA has acknowledged the importance of our further confirmatory ground investigation work. Results of this process will support the controlled waters risk assessment and will also inform the final remediation strategy. Piling risk assessments can also be undertaken which will ensure that appropriate mitigation measures for the protection of controlled waters can be adopted. We are pleased that the Environment Agency acknowledge and approve our approach to assessing risks posed to controlled waters. We note that you agree that Requirement 16 within Schedule 2 of the draft DCO is considered to be sufficient to ensure that the risks to controlled waters are appropriately controlled.

Chapter 20: cumulative effects

We note the Environment Agency's review of the cumulative effects chapter and your confirmation that this assessment appears to be reasonable.

Chapter 21: impact assessment summary

Within Table 21.1, mitigation measures for flood defences have been set out. We note the Environment Agency's comments that it has no maintenance programme for flood defence assets on the site and only maintains assets immediately off-site, in other words upstream and downstream of the Port of Immingham.

Document 9.1: consents and agreements position statement

We acknowledge the Environment Agency's comments on the consents and agreements points and its overall conclusion that the document accurately reflects our agreed position.

Document 9.2: construction environmental management plan

The Environment Agency has drawn ABP's attention to various practices detailed in the CEMP which may require permitting. This is acknowledged along with the requirement to incorporate flood resilience measures if finished floor levels are not matched with or do not exceed the design floor level.

Document 9.7: schedule of mitigation

We acknowledge that some of the flood resilience and resistance measures are indeed secured through the mechanism of the flood risk assessment. This will be reviewed, amended, and issued during the course of the examination process.

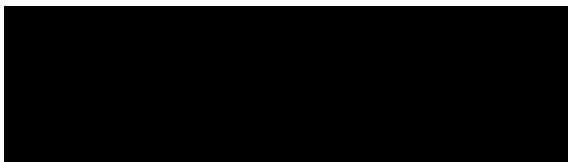
PAD response

Lastly, we are grateful for the EA's helpful summary of the main residual areas of concern they have in their Principal Areas of Disagreement summary document. PAD reference 1 deals with the disapplication of the Environmental Permitting Regulations. PAD reference 2 addresses the installation of a DO monitoring buoy, and PAD reference 3 highlights the EA's request for 20 business days' response time as part of the procedure for the discharge of requirements. These matters – amongst others – have been discussed above in this letter.

Conclusion

Once again, many thanks for your assistance in this matter. We hope that we have adequately resolved your points as raised above which, if you agree, should certainly simplify the Statement of Common Ground process. That said, if you do have any further comments - and I am conscious that we have raised one or two questions above, please do not hesitate to contact me and I look forward to hearing from you.

Yours sincerely



Tom Jeynes

Sustainable Development Manager



Appendix B

Letter from the Environment Agency to Associated
British Ports dated 4 August 2023

Mr T Jeynes
Sustainable Development Manager
Associated British Ports
Dock Officer
Immingham DN40 2LZ

Our ref: AN/2023/134135/02-L01
Your ref: TR030007
Date: 04 August 2023

(sent by email only)

Dear Tom

Immingham Eastern Ro-Ro Terminal – Development Consent Order review of Relevant Representation and Principal Areas of Disagreement Summary

Thank you for your letter of 21 July 2023, providing your response to the Environment Agency's Relevant Representations made in respect of the above.

Your comments have been most helpful in providing clarity on the points we raised, and although we are not able to provide a final response on all the matters currently under discussion, we hope the following will assist you with most of these.

Document 3.1: draft Development Consent Order **Schedule 1 Authorised Development - Ancillary Works**

Thank you for your clarification regarding the flood refuge platform being on the first floor of the office block. We are satisfied that the flood refuge platform would serve as an area of safe refuge for the office itself. If this area is to serve the rest of the site, we would urge you to consider the potential depths of flood water surrounding the office block that personnel may need to pass through to reach the office building. This is something that you would need to raise with your Contractor, who is to produce the Flood Emergency Response Plan, as outlined in Table 3.5 (Coastal Protection, flood defence and drainage) of your Construction Environmental Management Plan (CEMP) [[APP-111](#)].

Schedule 2 – Part 1, Requirements

Requirement 8 – Construction and Environmental Management Plan

We welcome your confirmation that you are content to include the Environment Agency as a consultee to any amendments to this document relating specifically to flood mitigation measures. We would also like to draw your attention to our Relevant Representation (paragraphs 7.2.1 and 12.4) where we stated that flood resilience measures will be required to be incorporated where finished flood levels are not raised above the design flood level – we do request that the details of these measure are included in the CEMP.

However, we also note that following Issue Specific Hearing 1 for the draft DCO, you

Ceres House, Searby Road, Lincoln, LN2 4DW
Customer services line: 03708 506 506
Email: LNplanning@environment-agency.gov.uk
www.gov.uk/environment-agency

Calls to 03 numbers cost no more than national rate calls to 01 or 02 numbers and count towards any inclusive minutes in the same way. This applies to calls from any type of line including mobile.

took an action (point No. 24) [\[EV2-004\]](#) to “*Consider whether outline versions for the submitted CEMP and other submitted management plans should be treated as outline plans to be developed into final plans to be submitted for approval by the relevant authority(ies) as part of the process for discharging the Requirements stated in Schedule 2 of the dDCO*”. If having considered this matter, you decide to make any amendments to this Requirement, or now consider the submitted CEMP to be an ‘outline version’, we may amend or have additional comments to make on this matter.

Schedule 2, Part 2 – Procedure for Discharge of Requirements

We welcome your confirmation that you will amend Requirement 22 (2) from 10 to 20 business days as requested. We note that you have not addressed our request to extend the timescale outline in paragraph 23(2)(e). However, having given further consideration to this point, we are satisfied that should the discharging authority require our assistance with any appeal, there appears to be an adequate mechanism available to agree on an extension to these timescales if required. We will therefore withdraw this representation.

Schedule 4, Part 2, For the protection of the Environment Agency - Protective Provisions

We welcome your agreement to reinstate the original text in our draft Protective Provisions, paragraph 20(3)(b) to ‘*is deemed to have been refused*’. Accordingly, we will look to provide our formal agreement to your disapplication request within our Written Representation, to be submitted at Deadline 2.

Chapter 7 – Physical Processes

Thank you for providing additional information which satisfies our concerns and explains the ‘undefined value’. Although we did manage to interpret the diagram with inverted topography/bathymetry and are aware of such issues, others, including the examining authority may not be so aware. Others may also not be so familiar with the area and will need the north arrow, scale bar etc. to enable them to orient themselves. In respect of the “undefined value”, the label could be changed to reflect what it is intended to represent, i.e. “area exposed at high water” or “area above normal high water”.

It is our view that in the interests of open and transparent consultation, alongside the Environmental Statement becoming a ‘certified document’ under Article 33 of the DCO, these figures need to provide an accurate representation of the assessment made and should, therefore, be revised.

Chapter 8 - Water and Sediment Quality

No further comment is required at this time.

Chapter 9 – Nature Conservation and Marine Ecology

We are currently reviewing the evidence you have presented in respect of this issue and we intend to discuss this further with the Marine Management Organisation. We will provide you with our response on this issue as soon as possible.

Chapter 11 - Coastal Protection

Thank you for confirming that the jetty will not impact the integrity of the flood defences.

Appendix 11.1 - Flood Risk Assessment

Thank you for providing your response as to why it is not practicable to raise the floor levels any further than 300mm, which we are satisfied is reasonable.

We agree that the proposals for defence raising are independent of the IERRT

proposal. An upgrade to the existing defence will reduce the likelihood of overtopping in the future and it is our view, therefore, that it is still key evidence within the overtopping section of the flood risk assessment (Paragraph 7.3.14).

Chapter 12: Ground Conditions Including Land Quality

No further comment is required.

Chapter 20: Cumulative Effects

No further comment is required.

Chapter 21: impact assessment summary

Table 21.1 - Coastal protection, flood defence and drainage – Construction and Operational Phase

Thank you for noting our comments. As with our comments in respect of Chapter 7 above, it is our view that the document should be updated to reflect the maintenance responsibilities.

Document 9.7 - Schedule of Mitigation

We look forward to reviewing the amendments to this schedule in due course.

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

Direct dial [REDACTED]

Direct e-mail [REDACTED]