



# Immingham Green Energy Terminal

9.16 Draft Statement of Common Ground between  
Associated British Ports and the Marine Management  
Organisation

Infrastructure Planning (Examination Procedure) Rules 2010  
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## Status of the Statement of Common Ground

Associated British Ports considers that this draft Statement of Common Ground (SoCG) is an accurate description of the matters raised and the current status of each matter.

### On Behalf of Associated British Ports

Name	[REDACTED]
Position	Project Development Manager
Organisation	Associated British Ports
Signature	[REDACTED]

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## 1. Introduction

### Overview

- 1.1 This Statement of Common Ground (“SoCG”) has been prepared to accompany an application made to the Secretary of State for Transport (the Application”) under section 37 of the Planning Act 2008 (“PA 2008”) for a development consent order (“DCO”) to authorise the construction and operation of the proposed Immingham Green Energy Terminal (“the Project”).
- 1.2 The Application is submitted by Associated British Ports (ABP). ABP was established in 1981 following the privatisation of the British Transport Docks Board. The **Funding Statement [APP-010]** provides further information on ABP.
- 1.3 The Project as proposed by ABP falls within the definition of a Nationally Significant Infrastructure Project (“NSIP”) as set out in Sections 14(1)(j), 24(2) and 24(3)(c) of the PA 2008.

### The Project

- 1.4 ABP is seeking to construct, operate and maintain the Immingham Green Energy Terminal, comprising a new multi-user liquid bulk green energy terminal located on the eastern side of the Port of Immingham (the “Port”).
- 1.5 The Project includes the construction and operation of a green hydrogen production facility, which would be delivered and operated by Air Products (BR) Limited (“Air Products”). Air Products will be the first customer of the new terminal, whereby green ammonia will be imported via the jetty and converted on-site into green hydrogen, making a positive contribution to the UK’s net zero agenda by helping to decarbonise the United Kingdom’s (UK) industrial activities and in particular the heavy transport sector.
- 1.6 A detailed description of the Project is included in **Chapter 2: The Project** of the Environmental Statement (“ES”) **[APP-044]**.

### Parties to this Statement of Common Ground

- 1.7 This SoCG has been prepared by (1) ABP (as the Applicant), and (2) the Marine Management Organisation (MMO).
- 1.8 ABP is the promoter of the Project and the owner and operator of the Port of Immingham.
- 1.9 The MMO is the regulator for the Marine Environment in England and the principle body involved in the licensing of the offshore marine works.
- 1.10 In this SoCG, ABP and the MMO are collectively referred to as “the Parties”.

### Purpose and Structure of this Document

- 1.11 The purpose of this document is to identify and summarise any agreement, disagreement or matters outstanding between the parties on matters relevant to the examination so as to assist the Examining Authority in its consideration of the Application.

- 1.12 In preparing this SoCG, the guidance provided in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government (as it then was), March 2015) has been fully taken into account. In addition, this SoCG has had due regard to the Examining Authority's **Rule 6 letter [PD-005]**.
- 1.13 Section 1 of this SoCG is designed to act as a general introduction to the Project and to the parties concerned.
- 1.14 Section 2 of this SoCG sets out a summary of the correspondence and engagement between the parties to date.
- 1.15 Section 3 of this SoCG sets out the matters which have been agreed or which remain outstanding, together with any matters upon which it has not been possible to reach agreement.
- 1.16 The Tables in Section 3 use a colour coding system to indicate the status of the matters between the Parties as follows:
- (a) Green – matter agreed;
  - (b) Orange – matter ongoing;
  - (c) Red – matter not agreed;
  - (d) Grey – point of note.

## 2. Summary of Engagement

2.1 A summary of the consultation and engagement between the Parties up to the date of this SoCG in relation to the Project generally and concerning the matters raised in this SoCG specifically is presented in Table 2-1.

2.2 It is agreed by the Parties to this SoCG that Table 2-1 is an accurate record of the meetings and key correspondence between the Parties.

**Table 2-1 – Record of Engagement**

Date	Form of Contact	Summary with key outcomes and points of discussion
20 <sup>th</sup> April 2023	MS Teams Meeting	The meeting provided an update on the Project and focused on discussing comments received from the MMO and Cefas on the Preliminary Environmental Information Report (PEIR) with respect to physical processes and water and sediment quality.
28 <sup>th</sup> April 2023	MS Teams Meeting	The meeting provided an update on the Project and focused on discussing comments received from the MMO and Cefas on the PEIR with respect to potential effects on migratory fish species.
18 <sup>th</sup> October 2023	Email	Provision of draft DCO documents ahead of upload onto the Planning Inspectorate (PINS) website.
13 <sup>th</sup> December 2023	Email	Confirmation of case officer for the Project and sharing availability for meetings.
18 <sup>th</sup> December	MS Teams Meeting	Meeting to discuss the project and provide introductions for the case team. Discussions included: <ul style="list-style-type: none"> <li>- The approach to statement of common ground</li> <li>- A review of the topics of concern</li> <li>- The approach to the Draft Marine Licence (DML) and Construction Environmental Management Plan (CEMP)</li> <li>- Future meeting cadence</li> </ul>
20 <sup>th</sup> December 2023	Email	ABP Provision of draft minutes from 18 <sup>th</sup> December for comment.
4 <sup>th</sup> January 2024	Email	MMO acceptance of minutes from 18 <sup>th</sup> December
23 February	MS Teams	Meeting with MMO and Cefas to provide outline of the SoCG and draft relevant representation response. ABP provided an update on the amendments to mitigation being proposed for the scheme which will be updated in the DML.

### 3. Matters Agreed and Matters Not Agreed

- 3.1 It is agreed that Chapters 9, 10, 12, 15, 16, 17 and 25 of the Environmental Statement (ES) submitted with the Application set out the consultation and engagement undertaken between the Parties in relation to the Application:
- 3.1.1 Chapter 9: Nature Conservation (Marine Ecology) [**APP-051**];
  - 3.1.2 Chapter 10: Ornithology [**APP-052**];
  - 3.1.3 Chapter 12: Marine Transport and Navigation [**APP-054**];
  - 3.1.4 Chapter 15: Historical Environment (Marine) [**APP-057**];
  - 3.1.5 Chapter 16: Physical Processes [**APP-058**];
  - 3.1.6 Chapter 17: Marine Water and Sediment Quality [**APP-059**]; and
  - 3.1.7 Chapter 25: Cumulative and In-Combination Effects [**APP-067**].
- 3.2 Table 3-1 contains a list of 'matters agreed' (shaded green); a list of matters in respect of which discussion is ongoing (shaded orange) and a list of matters not agreed (shaded red) at the date of the Examination along with a concise commentary of what the item refers to and how it came to be agreed between the Parties (as applicable).

**Table 3-1 - List of Matters Agreed, Matters Outstanding and Matters Not Agreed**

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
<b>General</b>						
G1	dDCO and DML	2.1 Draft Development Consent Order [ <b>APP-006</b> ] MMO Relevant Representations [ <b>RR-016</b> ] Procedural Deadline A Submission – 2.1 Draft Development Consent Order (Clean) [ <b>PDA-004</b> ]	The MMO request various amendments to provisions and wording to be made within the dDCO and DML.	ABP will work with the MMO to amend the wording of the draft DCO [ <b>APP-006</b> ] and DML as appropriate. Full details of the proposed changes and amendments are provided in ABPs draft response to Relevant Representations [ <b>TR030008/EXAM/9.2</b> ]. Proposed changes has been made to the updated draft DCO [ <b>PDA-004</b> ]	<b>Discussion Ongoing</b>	
G2	CEMP	6.5 Outline Construction Environmental Management [ <b>APP-221</b> ] Procedural Deadline A Submission – 2.1 Draft Development Consent Order (Clean) [ <b>PDA-004</b> ]		The DCO application includes an Outline CEMP [ <b>APP-221</b> ] at this stage. ABP and Air Products intend to progress negotiations with MMO and other relevant stakeholders of the Final CEMP(s) now in order to reach a position where the content of the Final CEMP(s) is advanced as far as possible and agreed with the relevant parties prior to the end of the Examination for the Project. This approach would allow for an	<b>Discussion Ongoing</b>	



ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
				<p>efficient approval of the CEMP(s) for the landside works by North East Lincolnshire Council (“NELC”) (in consultation with the MMO in relation to Work No. 1) secured under Requirement 6 of the draft DCO [PDA-004] and for the works in the marine area by the MMO (in consultation with NELC) secured by Condition 8 of the deemed marine licence and enable site works to commence at the earliest opportunity, which is a necessity of the programme for delivery of the Project. It is intended at present that the Final CEMPs will form at least three separate documents:</p> <p>CEMP relating to all works in the UK marine area (i.e. all works below Mean High Water Spring “MHWS”) which would be for the MMO to approve</p> <p>CEMP relating to that part of Work No. 1 which is landward of MHWS and Work No. 2 which would be approved by NELC</p> <p>CEMPs relating to the other landside works which would be</p>		

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
				phased and would also be approved by NELC		
<b>Physical Processes</b>						
PP1	Approach and conclusions	6.2 Environmental Statement - Chapter 16: Physical Processes [APP-058] MMO Relevant Representations [RR-016]	The MMO agrees with the approach to and conclusions presented in the physical processes chapter. Some minor points have been identified but are not considered significant.	ABP acknowledge the position of the MMO with respect to the physical processes chapter [APP-058].	Agreed	4 December 2023
PP2	Modelling approach	6.2 Environmental Statement - Chapter 16: Physical Processes [APP-058] 6.4 Environmental Statement Appendices - Appendix 16.A: Numerical Model Calibration [APP-205] MMO Relevant Representations [RR-016]	The MMO, whilst noting some points with respect to the scenarios and assumptions, agrees that the modelling undertaken is appropriate and that results are within acceptable limits of accuracy.	The MMO's response is noted, accepting that advisory comments made on the PEIR with respect to physical processes have been addressed.  More detailed responses to the points raised by the MMO are provided in ABPs draft response to the Relevant Representations [TR030008/EXAM/9.2].	Agreed	4 December 2023

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
PP3	Cumulative assessment	6.2 Environmental Statement - Chapter 16: Physical Processes [APP-058] 6.2 Environmental Statement - Chapter 25: Cumulative and In-Combination Effects[APP-067] MMO Relevant Representations [RR-016]	The MMO agree that the approach to the cumulative assessment [APP-067] is reasonable.	ABP note the MMO's position in relation to the cumulative assessment.	Agreed	4 December 2023
PP4	Mitigation	6.2 Environmental Statement - Chapter 16: Physical Processes [APP-058] MMO Relevant Representations [RR-016]	The MMO agree that no mitigation is required for coastal processes, based on the assessments provided.	ABP note the MMO's position, in that no mitigation is required for coastal processes.	Agreed	4 December 2023
<b>Dredge Disposal</b>						
DD1	Effects to dissolved oxygen concentrations	6.2 Environmental Statement - Chapter 17: Marine Water and Sediment Quality [APP-059]	The MMO agrees with the assessment relating to effects on water quality.	ABP notes the MMO's position with respect to effects on water quality.	Agreed	4 December 2023

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
		MMO Relevant Representations [RR-016]				
DD2	Sediment contamination	6.2 Environmental Statement – Chapter 17: Marine Water and Sediment Quality [APP-059] MMO Relevant Representations [RR-016]	The MMO, in consultation with Cefas, do not consider the concentration of contaminants to preclude the material from disposal at sea.	As acknowledged by the MMO the levels of contaminants observed within the sediment sampling for the Project are broadly consistent with those observed in other sediment sampling in the area.  The points raised by the MMO in their Relevant Representations [RR-016] do not change the conclusion of the assessment in that the impact significance is assessed as minor adverse and not significant.	Agreed	4 December 2023
DD3	Sediment sampling	6.2 Environmental Statement - Chapter 17: Marine Water and Sediment Quality [APP-059] MMO Relevant Representations [RR-016]	The evidence to support this application comprises bespoke marine sediment sampling which the Applicant states is in line with pre-application sampling advice under SAM/2022/00106. This appears to be a typo, as according to MMO records – verified by consulting	The correct case reference is SAM/2022/00110. The correct data has been used within the assessments and as such this does not change any of the respective conclusions.	Agreed	23 February 2024

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
			<p>MCMS/the Public Register – SAM/2022/00106 refers to an application for Fawley Power Station, whereas the sample plan advice for the present application appears to be SAM/2022/00110</p>			
DD4	Sediment sampling	<p>6.2 Environmental Statement - Chapter 17: Marine Water and Sediment Quality [APP-059]</p> <p>7.9 Sediment Contamination Data (Part 1) [APP-241]</p> <p>7.9 Sediment Contamination Data (Part 2) [APP-242]</p> <p>MMO Relevant Representations [RR-016]</p>	<p>The sampling conducted adheres to that recommended under SAM/2022/00110, however, we have not been able to determine from the documents reviewed which laboratory conducted the analyses. This should be clarified before a determination is made as it could impact the confidence which should be ascribed to the data. A completed MMO contaminant analysis template should be provided indicating the laboratory that undertook each analyses. Especially given that the application involves disposal at sea, for which xls submission of</p>	<p>The analysis was conducted by Socotec, an MMO accredited laboratory. Reference to this is made within [APP-241] and [APP-242]. A completed MMO contaminant analysis template has been provided to the MMO.</p>	<b>Discussion ongoing</b>	

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
			sediment data is essential to facilitate reporting.			
DD5	Cumulative assessment	6.2 Environmental Statement - Chapter 17: Marine Water and Sediment Quality [APP-059]  MMO Relevant Representations [RR-016]  6.2 Environmental Statement - Chapter 25: Cumulative and In-Combination [APP-068]	The MMO agree with the cumulative assessment relating to dredging in Chapter 25.	ABP note the MMO's position with respect to cumulative assessments [APP-068] being appropriate.	Agreed	4 December 2023
DD6	Mitigation	6.2 Environmental Statement - Chapter 17: Marine Water and Sediment Quality [APP-059]  MMO Relevant Representations [RR-016]	The MMO does not consider any mitigation to be necessary at this time in regard to dredge and disposal, however this is not final until the contracting laboratory has been confirmed.	ABP note the MMO's position with respect to mitigation. The contracting laboratory has been confirmed in matter DD5 above.	Agreed	23 February 2024
<b>Benthic Ecology</b>						

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
BE1	Assessment and mitigation	6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051] MMO Relevant Representations [RR-016]	The MMO agrees with the ES assessment in relation to benthic ecology. It contains relevant information regarding benthic ecology receptors, and the assessment and mitigation outlined are agreed with.	ABP note the MMO's position with respect to benthic ecology [APP-051].	Agreed	4 December 2023
<b>Fish Ecology</b>						
FE1	Scoping	6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051] MMO Relevant Representations [RR-016]	The MMO agree that a precautionary approach has been taken to assessments and all relevant receptors have been scoped in.	ABP note the MMO's position with respect to scoping of fish ecology receptors [APP-051].	Agreed	4 December 2023
FE2	Baseline	6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051]	The MMO agree that the baseline data with which the assessment is based, is appropriate and that appropriate guidance documents have been used for specialist analysis	ABP note the MMO's position with respect to baseline assessment and guidance documents.	Agreed	4 December 2023

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
		MMO Relevant Representations [RR-016]	(Popper <i>et al</i> 2014, noise thresholds).			
FE3	Mitigation	<p>6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051]</p> <p>MMO Relevant Representations [RR-016]</p> <p>2.1 Draft Development Consent Order (includes Draft DML) [APP-006]</p>	<p>The MMO seeks clarification regarding the Applicant's proposed restrictions on nighttime piling (Paragraph 4.4.7 iii).</p> <p>The MMO recommends that no marine piling of any kind be permitted at night throughout the year, particularly considering the proposed extended duration of construction and dredging activities proposed. While a nighttime piling restriction would be most beneficial to nocturnal receptors, it would also provide a continuous period of respite for all marine receptors affected by the IGET works and other developments currently in the planning stages. Therefore, the MMO proposes that the Applicant's commitment to</p>	<p>The statement in Section 9.8.153 of Chapter 9 [APP-051] was related to the general working hours that are proposed to be employed in the winter months (07:00 to 19:00) and the working hours that are proposed in the summer months (sunrise to sunset). Winter months are defined as March, September and October and summer months are defined as June and August.</p> <p>ABP has provided a summary overview of the fish restrictions in their draft response to MMO's Relevant Representations at Deadline 1 [TR030008/EXAM/9.2].</p> <p>The draft DML [APP-006] at Schedule 3 Part 2 15. (9) will be updated to remove reference to 'percussive' so that it refers to any marine piling.</p>	Discussion ongoing	



ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
			<p>prohibit nighttime piling be incorporated into the DML as follows:</p> <p>Condition: No marine piling of any kind is to be carried out between the hours of 07:00 and 19:00 during winter months* and from sunrise to sunset during summer months*.</p> <p>The MMO requests that these timeframes be defined by the Applicant.</p>			
FE4	Mitigation	<p>6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051]</p> <p>MMO Relevant Representations [RR-016]</p>	<p>The MMO supports the proposed percussive piling restriction between April 1 and May 31 (inclusive) and concurs that this measure will minimise potential impacts on the largest number of migratory fish species in the Humber Estuary, including those in early life stages. However, it is important to acknowledge that this restriction only covers a portion of the salmon smolt downstream migration,</p>	<p>ABP notes the MMO's position with respect to piling restrictions and point them to matter FE5 for further comment on concerns.</p>	<b>Agreed</b>	4 December 2023

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
			which typically occurs from April to June (inclusive). Please refer to paragraph 4.4.14 i for further comments regarding smolts.			
FE5	Mitigation	6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051] MMO Relevant Representations [RR-016]	The MMO objects to the Applicant's proposal to limit piling duration to 140 hours (single rig) or 196 hours (two rigs) from June 1 to June 30 and August 1 to October 31.	Further clarification with respect to piling restrictions has been provided in ABP's draft response to MMO's relevant representations [TR030008/EXAM/9.2].	Discussion ongoing	
FE6	Mitigation	6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051] MMO Relevant Representations [RR-016]	The MMO concurs that piling restrictions are not necessary for piling activities conducted outside the waterbody during periods of low water (i.e., in the dry).	ABP notes the MMO's position with respect to no restriction for piling activities during periods of low water.	Agreed	4 December 2023

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
FE7	Mitigation	6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051] MMO Relevant Representations [RR-016]	In light of the probable cumulative impacts of UWN from piling, as outlined in paragraph 4.4.17, the MMO strongly recommends that the Applicant investigate the implementation of noise abatement measures, such as bubble curtains, for this project (as well as IERRT, which is also an ABP project).	ABP has set out why they do not believe bubble curtains will be effective in this location within their draft response to MMO's relevant representations [TR030008/EXAM/9.2].	Discussion ongoing	
<b>Shellfish Ecology</b>						
SE1	General	6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051] MMO Relevant Representations [RR-016]	The MMO finds the information provided is detailed, all relevant, and extensive, both in respect of the baseline and the impact assessments conducted. No significant gaps in respect to shellfish receptors have been identified. Therefore, no further information is required to assess the impacts on shellfish receptors.	ABP notes the MMO's position with respect to shellfish ecology.	Agreed	4 December 2023

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
<b>Commercial Fisheries</b>						
CF1	General	6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051]  MMO Relevant Representations [RR-016]  6.4 Environmental Statement Appendices -Appendix 1.A: Scoping Report [APP-167]	<p>Given that disturbance of the seabed can significantly alter nursery and spawning grounds, it would be ideal for works to commence at a time that would be least detrimental to the least number of species. River lamprey spawning periods are usually between April / May, works should try to avoid that period.</p> <p>The MMO defers to the Inshore Fisheries Conservation Authority (IFCA) as the principle contact on matters related to commercial fishing operation. The MMO will continue to be part of the discussions relating to securing any mitigation related to this field.</p>	<p>Further clarification with respect the timing of the works has been provided in ABP's draft response to MMO's relevant representations [TR030008/EXAM/9.2] which states that no percussive piling is proposed in April and May, therefore effects to lamprey spawning would be avoided.</p> <p>ABP notes the MMO's position with respect to the IFCA.</p>	<b>Discussion ongoing</b>	
<b>Underwater Noise</b>						

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
UN1	Assessment	<p>6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051]</p> <p>6.4 Environmental Statement Appendices - Appendix 9.B: Underwater Noise Assessment [APP-187]</p> <p>MMO Relevant Representations [RR-016]</p>	<p>The MMO believes that an appropriate evidence base has largely been proposed, and effort has been undertaken to produce an informative and transparent assessment.</p>	<p>ABP notes the MMO's position with respect to underwater noise assessment.</p>	Agreed	4 December 2023
UN2	Modelling	<p>6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051]</p> <p>6.4 Environmental Statement Appendices - Appendix 9.B: Underwater Noise Assessment [APP-187]</p>	<p>While the MMO has no major concerns/objections with the source levels presented as such, it would be helpful if the Applicant could please provide more context on how these levels are relevant to the IGET development. For instance, it is not just the pile size (diameter) which is a factor. Other important considerations are the</p>	<p>Further clarification with respect to the source levels used within the assessment has been provided in ABP's draft response to MMO's relevant representations [TR030008/EXAM/9.2].</p> <p>ABP acknowledge that there are multiple factors that influence underwater noise and elements such as water depth, strike rate etc are used in the assessments [APP-187].</p>	Agreed	TBC

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
		MMO Relevant Representations [RR-016]	hammer energy, strike rate (piling profile) and water depth.			
UN3	Concurrent piling	6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051]  6.4 Environmental Statement Appendices - Appendix 9.B: Underwater Noise Assessment [APP-187]  MMO Relevant Representations [RR-016]	For the concurrent piling scenarios, it would be helpful if the Applicant could please provide more detail e.g., in the form of a figure, showing the locations of the piling at both the jetty approach and jetty head platform, taking into consideration the minimum and maximum separation distances between the piling vessels. This would help illustrate that the chosen scenarios / modelling strategy, and the inherent idealisations / simplifications are indeed appropriate and precautionary.	ABP has provided illustrative figures in their draft response to MMO's relevant representations [TR030008/EXAM/9.2].	Discussion ongoing	
UN4	Modelling	6.2 Environmental Statement - Chapter 9: Nature Conservation	Para 1.6.9 and para 1.6.10 – The MMO previously queried why the Root Mean Square (RMS) source level	The relevant SELcum and SPLpeak metrics have been used to assess the impacts of percussive piling noise in the	Discussion ongoing	

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
		<p>(Marine Ecology) [APP-051]</p> <p>6.4 Environmental Statement Appendices - Appendix 9.B: Underwater Noise Assessment [APP-187]</p> <p>MMO Relevant Representations [RR-016]</p>	<p>is 10 dB higher than the Sound Exposure Level (SEL) source level. The Applicant has responded (see Table 1) with: “The peak, SEL and RMS levels are those that were measured directly in the field and published in the literature that is referenced in Section 1.6. The SEL that is reported is effectively the SELss. The RMS metric has not been used in the modelling of impacts of impact piling on fish but is included as a specific variable in the National Oceanic and Atmospheric Administration (NOAA) user spreadsheet tool that has been used to assess the effects of impact piling on marine mammals (Section 1.9)”. Nevertheless, the MMO reiterates that the relevant metrics for assessing the impacts of impulsive activities are the SELcum (calculated by the</p>	<p>underwater noise assessment appendix [APP-187].</p>		

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
			aggregation of SELss) and SPLpeak.		<b>Discussion Ongoing</b>	
UN5	Modelling	6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051] 6.4 Environmental Statement Appendices - Appendix 9.B: Underwater Noise Assessment [APP-187] MMO Relevant Representations [RR-016]	As advised for the PEIR consultation, it is not entirely appropriate to convert the peak-to-peak threshold to a zero-to-peak threshold (of 157 dB by subtracting 6 dB) as the Applicant has done here. The MMO recommends that future assessments also adopt the threshold of 135 dB SELss.	ABP has provided further clarification on this point in their draft response to MMO's relevant representations [TR030008/EXAM/9.2]. ABP consider the use of an intermediate behavioural threshold (139dB SELss) commensurate with the lower hearing ability of salmon to be more appropriate and results in a very similar range of effects as the peak behavioural threshold that was used in the Underwater Noise Assessment [APP-187].		
UN6	Marine mammals	6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051] 6.4 Environmental Statement Appendices - Appendix 9.B: Underwater Noise	The MMO has no major concerns with the predictions for marine mammals for percussive (and vibro) piling. In general, the ranges appear to be relatively conservative in most cases.	ABP notes MMO's position with respect to piling for marine mammals.	<b>Agreed</b>	4 December 2023



ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
		Assessment [APP-187] MMO Relevant Representations [RR-016]				
UN7	Marine mammals	6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) [APP-051] 6.4 Environmental Statement Appendices - Appendix 9.B: Underwater Noise Assessment [APP-187] MMO Relevant Representations [RR-016]	The Permanent Threshold Shift (PTS) range is very unlikely to be <1m. However, the MMO acknowledges that marine mammals are not expected to remain stationary for extended periods of time in close vicinity to the source.	Marine mammals are not expected to remain stationary for extended periods of time in close vicinity to the source of dredging and therefore there is not considered to be any risk of injury or significant disturbance to marine mammals from the proposed capital and maintenance dredge activities.	Discussion ongoing	
UN8	Assessment	6.2 Environmental Statement - Chapter 9: Nature Conservation	The MMO note concerns and questions around background noise levels used in the assessment.	ABP has provided further clarification on background noise levels in their draft response to	Discussion ongoing	

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
		(Marine Ecology) <b>[APP-051]</b>  6.4 Environmental Statement Appendices - Appendix 9.B: Underwater Noise Assessment <b>[APP-187]</b>  MMO Relevant Representations <b>[RR-016]</b>		MMO's relevant representations <b>[TR030008/EXAM/9.2]</b> .		
UN9		6.2 Environmental Statement - Chapter 9: Nature Conservation (Marine Ecology) <b>[APP-051]</b>  6.4 Environmental Statement Appendices - Appendix 9.B: Underwater Noise Assessment <b>[APP-187]</b>  MMO Relevant Representations <b>[RR-016]</b>	The MMO note that it may be wise to have a tracker of some sort for the Humber estuary (if there is not one already). This tracker could show when and where the various developments will be taking place, and what mitigation will be in place, to try and help manage cumulative effects.	A piling reporting protocol is being developed with the MMO.  Further clarification with respect to piling restrictions has been provided in ABP's draft response to MMO's relevant representations <b>[TR030008/EXAM/9.2]</b> . This includes suggested wording for a condition for both the project alone and in-combination with IERRT.	Discussion ongoing	

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
<b>Shipping and Navigation</b>						
SN1	Shipping and Navigation	6.2 Environmental Statement - Chapter 12: Marine Transport and Navigation [APP-054]  MMO Relevant Representations [RR-016]	The MMO defers to the Maritime and Coastguard Agency and Trinity House on matters of shipping and navigation. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions.	ABP acknowledge the MMO's position.	Point of note	
<b>Marine Archaeology</b>						
MA1	Marine Archaeology	6.2 Environmental Statement - Chapter 15: Historical Environment (Marine) [APP-057]  MMO Relevant Representations [RR-016]	The MMO defers to Historic England on matters of shipping and navigation. The MMO will continue to be part of the discussions relating to securing any mitigation monitoring or other conditions	ABP acknowledge the MMO's position.	Point of note	

ID	Matter	Reference	The MMO Position	ABP Position	Status	Date
<b>Seascape and Landscape</b>						
SL1	Seascape, Landscape and Visual Resources	6.2 Environmental Statement - Chapter 13: Landscape and Visual Impact [APP-055]  MMO Relevant Representations [RR-016]	The MMO defers to Natural England as the Statutory Nature Conservation Body (SNCB) on matters of Seascape, Landscape and Visual Resources. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or development of any plans/conditions on this matter. The MMO would also remind the Applicant that the National Association for Areas of Outstanding Natural Beauty should be included in conversations regarding potential impacts to Areas of Outstanding Natural Beauty as they are the Non-Governmental Organisation responsible for them.	ABP acknowledge the MMO's position.	Point of note	

## 4. Glossary

<b>Abbreviation / Acronym</b>	<b>Definition</b>
ABP	Associated British Ports
CEMP	Construction Environmental Management Plan
DCO	Development Consent Order
DML	Draft Marine Licence
EIA	Environmental Impact Assessment
ES	Environmental Statement
IFCA	Inshore Fisheries Conservation Authority
MHWS	Mean High Water Springs
MMO	Marine Management Organisation
NELC	North East Lincolnshire Council
NOAA	National Oceanic and Atmospheric Administration
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PTS	Permanent Threshold Shift
RMS	Root Mean Square
SEL	Sound Exposure Level
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SoS	Secretary of State for Transport
UK	United Kingdom