

ABLE MARINE ENERGY PARK (MATERIAL CHANGE 2 – TR030006)

UPDATED ENVIRONMENTAL STATEMENT

CHAPTER 5: SCOPING AND CONSULTATION

Able Marine Energy Park, Killingholme, North Lincolnshire



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- Appendix UES5-2: EIA Scoping Opinion (PINS Case Reference TR030006)
- Appendix UES5-3: Newspaper Advert
- Appendix UES5-4: Correspondence on Consultation List

5.1.0 Introduction

- 5.1.1 This Chapter of the Updated Environmental Statement (UES) provides details of the Scoping and Consultation undertaken to inform the content of, and the assessments undertaken to inform, this UES in response to the proposed material amendment. This Chapter should be read alongside the Consultation Report which is submitted in support of the Material Change 2 submission but outside of the Environmental Impact Assessment (EIA).
- 5.1.2 A formal EIA Scoping exercise was undertaken with the Planning Inspectorate (PINS) on behalf of the Secretary of State in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). Further details regarding the formal Scoping exercise are provided within Section 5.2.0 of this Chapter.
- 5.1.3 This Chapter also provides a summary of ‘additional consultation’ which has been undertaken in advance of the consultation exercise necessitated by the proposed Material Change 2 application. Further information of such ‘additional consultation’ is provided within Section 5.3.0 of this Chapter, whilst further information is also provided within each of the technical chapters to which the consultation relates.
- 5.1.4 Finally, this chapter also details the necessary consultation process for the consideration of the Material Change 2 application to the Development Consent Order (DCO) to ensure compliance with the Regulations. This includes details of the consultation itself, the formal consultation responses received and any subsequent meetings held with statutory consultees. Further information on the Material Change 2 consultation and representations is provided within Section 5.4.0 of this Chapter, whilst further information is also provided within each of the technical chapters to which the consultation relates.

5.2.0 EIA Scoping

Scoping Request

- 5.2.1 In accordance with Regulation 10(2) and 10(4) of the EIA Regulations, a person who proposes to make a subsequent application may ask the relevant authority (the Secretary of State in this instance) to state in writing its opinion *“as to the scope, and level of detail of the further information to be provided in the updated environmental statement”*.
- 5.2.2 In this regard, an EIA Scoping Report was prepared by Fairhurst on behalf of Able Humber Ports Limited (‘the Applicant’) and submitted to the Planning Inspectorate (PINS) in January 2021 (report ref. 138434/504). The EIA Scoping Report was supported by a range of drawings describing the current baseline and the proposed material amendment.
- 5.2.3 The Scoping Report related to a *“...material change application for the proposed changes to the scheme consented under The Able Marine Energy Park Development Consent Order in 2014 (Statutory Instrument 2014 No. 2935), (‘the DCO’)*”. A more detailed description of the proposed material amendment is provided within Chapter 4 (Description of Changes to Development) of this UES.
- 5.2.4 The EIA Scoping Report, which is provided with the Appendix UES5-1, focused on the following topic areas, which were proposed be assessed as part of this UES (topics proposed to be ‘scoped in’):
- Geology, Hydrogeology and Ground Conditions;
 - Hydrodynamic and Sedimentary Regime;
 - Water and Sediment Quality;
 - Aquatic Ecology;
 - Terrestrial Ecology and Birds (Nature Conservation);
 - Commercial and Recreational Navigation;
 - Traffic and Transport (footpath diversion only);
 - Waste; and
 - Cumulative and In-Combination Effects.
- 5.2.5 The Scoping Report also identified that the following topic areas of the original Environmental Statement for the DCO (the original ES) were considered unlikely to be affected by the proposed material amendment (topics proposed to be ‘scoped out’):
- Commercial Fisheries;
 - Drainage and Flood Risk;
 - Noise and Vibration;

- Air Quality;
- Historic Environment;
- Light;
- Landscape and Visual;
- Socio-Economic;
- Aviation; and
- Health.

5.2.6 With regard to topics introduced into the Regulations since the original ES was undertaken (the 2017 Regulations), the Scoping Report also sought to ‘scope out’ consideration of both ‘Climate Change’ and ‘Risks of Major Accidents and/or Disasters’ on the basis that they had been inherently considered as part of the original ES.

Scoping Opinion

5.2.7 A formal Scoping Opinion was adopted by PINS on behalf of the Secretary of State in March 2021 (PINS Case Reference TR030006). A copy of the Scoping Opinion, as adopted, is provided with Appendix UES5-2.

5.2.8 It should be noted that a formatting error has occurred within the published Scoping Opinion, whereby the paragraph numbering has ‘reset’ after each sub-heading. On this basis, it is not possible to cross reference specific elements of the Scoping Opinion as necessary within this Chapter of the UES. Nevertheless, best effort to cross reference has been made herein.

5.2.9 It is identified within paragraph 1.2.1 (page 2) that *‘In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion’*, whilst a copy of any associated response has been provided within the Scoping Opinion document (Appendix UES5-2). These consultation comments, along with the content of the Scoping Opinion itself, have been duly considered in the undertaking of this UES.

5.2.10 The sections below provide a brief overview of the Scoping Opinion adopted by PINS with regard to each of the technical disciplines / topics identified above. More detailed commentary regarding the Scoping Opinion, including any assessment requirements and how these have been accommodated, is provided within the individual chapters of this UES (please see ‘Scoping’ section and associated table within each individual topic chapter).

5.2.11 Notwithstanding, it is duly noted that the Scoping Opinion identifies that *‘The Inspectorate will not be precluded from requiring additional information if it is considered necessary in connection with the updated ES submitted with the application for a Development Consent Order (DCO)’* (paragraph 1.1.8 – page 1).

General Approach

5.2.12 Paragraph 3.3.1 (page 10) of the Scoping Opinion outlines general recommendations by PINS in undertaking the EIA to assist in the decision-making process, namely:

- how the assessment has taken account of the Scoping Opinion;
- identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;
- set out the proposed mitigation and/ or monitoring measures including cross-reference to the means of securing such measures;
- describe any remedial measures that are identified as being necessary following monitoring; and
- identify where details are contained in the Habitats Regulations Assessment (HRA report) (where relevant), such as descriptions of National Site Network Sites and their locations, together with any mitigation or compensation measures.

5.2.13 The Scoping Opinion also details a range of general considerations with regard to:

- Consideration of Alternatives;
- Flexibility of the DCO;
- Establishing the Baseline Scenario;
- Forecasting Methods or Evidence;
- Residues and Emissions;
- Mitigation and Monitoring;
- Risks of Major Accidents and/or Disasters;
- Climate and Climate Change;
- Transboundary Effects; and
- A Reference List

5.2.14 The above recommendations and general considerations have been duly incorporated into this UES. Further requirements of the Scoping Opinion with regard to the above are also outlined within the 'Other Matters' sub-section below (paragraphs 5.2.59 – 5.2.73).

Geology, Hydrogeology and Ground Conditions

5.2.15 The Scoping Opinion confirms that the proposed material change is unlikely to alter the characteristics of the impacts associated with terrestrial works. On this basis, the Inspectorate agrees that the assessment of effects for these matters presented in the original ES is unlikely to change and can be 'scoped out'.

5.2.16 The Scoping Opinion does, however, identify that the following elements should be clearly detailed within any forthcoming submission:

- Changes in legislation, policy and guidance;

- Further sampling data of dredged material to determine the levels of contaminants to inform the decision regarding sea disposal;
- Confirmation of material used for land raising operations;
- Agreement of piling works in consultation with the Marine Management Organisation and Environment Agency; and
- Consideration of alternatives for the beneficial re-use of materials obtained from the dredging activities.

5.2.17 These matters have been considered and suitably dealt with in the content of this UES.

Hydrodynamic and Sedimentary Regime

5.2.18 The Scoping Opinion states that the Humber Estuary is a dynamic environment, with complex hydrodynamic processes, and as such small changes may result in substantial change to the impact characteristics. It further states that *'the applicant should make effort to agree the approach to wave modelling with relevant consultation bodies including the need for further wave modelling to account for proposed changes'* (paragraph 4.2.1 – page 17).

5.2.19 On this basis, the Scoping Opinion confirms that consideration of the Hydrodynamic and Sedimentary Regime should be 'scoped in' to any forthcoming UES. In addition, the following additional comments were raised:

- Agreement of any suitable updated modelling techniques with relevant consultation bodies;
- Updating of the assessment on the basis of relevant information contained within UKCP18 guidance and agreement with the Environment Agency. Vulnerability to climate change should be explained;
- Use of updated baseline assessment for estuary morphology and, where appropriate, further sampling obtained to inform the assessment;
- Agreement regarding not assigning 'significance levels' but that the assessment should be utilised to inform 'likely significant effects' on sensitive receptors which are sensitive to process change (i.e. ecological habitats); and
- Characterisation of disposed material and its intended disposal location to inform a detailed assessment of the likely significant effects. This approach to the characterisation and assessment should be agreed in consultation with relevant bodies, including the Marine Management Organisation.

5.2.20 Separate to the above, meetings have been held with the Marine Management Organisation and Environment Agency to discuss the scoping comments raised and the assessment approach contained within this UES. Further information regarding these meetings is contained within Sections 5.3.0 and 5.4.0 below.

5.2.21 On this basis, these matters have been considered and suitably dealt with in Chapter 8 of this UES, whilst the findings of Chapter 8 have also been utilised to inform the potential for significant effects within other chapters (i.e., aquatic and terrestrial ecology).

Water and Sediment Quality

- 5.2.22 The Scoping Opinion duly confirms that, given that new and significant effects are unlikely, the following matters can be ‘scoped out’ of the UES:
- Site run-off and storm drainage (Construction Phase);
 - Sewage and trade effluent, accidental spills or litter (Operational Phase); and
 - Power plant intakes / thermal re-circulation (Operational Phase) subject to confirmation that Centrica outfall is no longer operational.
- 5.2.23 However, the Scoping Opinion identifies that the following matters should be ‘scoped in’ contrary to the submitted Scoping Report:
- Risks for indirect impacts on water quality (Construction Phase) given the potential for indirect impacts on designated sites and features.
- 5.2.24 The matters proposed to be ‘scoped in’, as well as the consideration of risks for indirect impacts on water quality (construction phase) have been considered and suitably dealt with in Chapter 9 of this UES.

Aquatic Ecology

- 5.2.25 The Scoping Opinion duly confirms that, given that new and significant effects are unlikely, the following matters can be ‘scoped out’ of the UES:
- Impacts to aquatic ecological receptors resulting from construction run-off; and
 - Operational impacts on aquatic ecology from vessels during operation.
- 5.2.26 The Scoping Opinion identifies that the following matters should be ‘scoped in’ contrary to the submitted Scoping Report:
- Disturbance to fish from construction activity noise and vibration due to dredging;
 - Disturbance to fish from habitat loss and construction activity noise and vibration;
 - Disturbance to marine mammals from construction activity noise and vibration; and
 - Disturbance to marine mammals from reduced prey availability.
- 5.2.27 Separate to the above, meetings have been held with the Environment Agency, Natural England and the Marine Management Organisation to discuss the scoping comments raised and the assessment approach contained within this UES. Further information regarding these meetings is contained within Sections 5.3.0 and 5.4.0 below.
- 5.2.28 On this basis, the matters proposed to be ‘scoped in’ have been considered and suitably dealt with in Chapter 10 of this UES.

Terrestrial Ecology and Birds

- 5.2.29 The Scoping Opinion notes that the baseline position for terrestrial habitats and species may have changed from the position in the original ES and as the updated terrestrial works include a footpath diversion. On this basis, the Scoping Opinion states that consideration of Terrestrial Habitat and Species should be 'scoped in' and the UES should include information to support the findings of the original ES.
- 5.2.30 The Scoping Opinion identifies that noise and vibration impacts upon receptors of ecology and nature conservation interest should be 'scoped in' to the UES. Specific reference is made with regard to the proximity of any alternate piling activities to such sensitive receptors.
- 5.2.31 The Scoping Opinion identifies that the ES should include an assessment of impacts to ornithological features resultant from these changes where significance effects are likely to occur.
- 5.2.32 With regard to Cherry Cobb Sands, the Inspectorate states that as the impact of the quay may be affected by natural changes, and it has the potential to affect habitats and bird distribution, the UES should assess whether the effects on designated site features, to assess whether they would introduce new or different significant effects. Given that there is no proposed change to the compensation provision the Scoping Opinion states that *"the updated assessment should therefore consider whether the original impacts of the proposed development to qualifying features are likely to change and confirm if the compensation proposed remains appropriate in these circumstances"* (paragraph 4.5.4 – page 28).
- 5.2.33 These matters have been considered and suitably dealt with in Chapter 11 of this UES and in Technical Appendix UES11-2.

Commercial Fisheries

- 5.2.34 The Scoping Opinion suggests that the UES should include updated baseline information to show that there has been no material change in the importance of the location for commercial fisheries and if there has, the UES should assess any of the new significant effects.
- 5.2.35 This matter has been considered and suitably dealt with in Chapter 12 of this UES.

Drainage and Flood Risk

- 5.2.36 The Scoping Opinion agrees that the proposed changes are unlikely to alter the characteristics of the impacts of the disposal of surface and foul water and can therefore be 'scoped out' of the UES.
- 5.2.37 However, the Scoping Opinion identifies that the risks of flooding from waves and overtopping should be 'scoped in' to the UES. Furthermore, the assessment should utilise the higher 'Upper End' predictions for sea level rise and the Humber extreme water levels should be utilised to inform the assessment.
- 5.2.38 These matters have been considered and suitably dealt with in Chapter 13 of this UES.

Navigation

- 5.2.39 The Scoping Opinion agrees with the content of the Scoping Report and that all matters associated with Navigation should be 'scoped in' to the UES.

5.2.40 Notwithstanding, the Scoping Opinion identifies that the assessment methodology for Commercial and Recreational Navigation should be updated in line with guidance from the Maritime and Coastguard Agency (MCA).

5.2.41 These matters have been considered and suitably dealt with in Chapter 14 of this UES.

Traffic and Transport Assessment

5.2.42 The Scoping Opinion agrees that construction and operational traffic flows are unlikely to alter as a result of the material amendment and that these matters do not need to be assessed in the UES since new or different significant effects are unlikely to occur.

5.2.43 The diversion of the Footpath 50 is addressed in Chapter 21 of the UES.

Noise and Vibration

5.2.44 The Scoping Opinion agrees that the proposed changes are unlikely to impact road traffic noise impacts during operation and thus, the Inspectorate is content these matters be 'scoped out' of the UES.

5.2.45 As outlined above, the Scoping Opinion identifies that noise and vibration impacts upon receptors of ecology and nature conservation interest should be 'scoped in' to the UES. Specific reference is made with regard to the proximity of any alternate piling activities to sensitive terrestrial and marine receptors.

5.2.46 These matters have been considered and suitably dealt with in Chapter 16 of this UES, whilst noise and vibration impact upon sensitive receptors of ecology and nature conservation interest are also considered within Chapters 10 (Aquatic Ecology) and 11 (Ecology and Nature Conservation) of this UES.

Air Quality

5.2.47 The Scoping Opinion does not agree that an updated air quality assessment can be scoped out from the UES. As such, any significant effects on air quality associated with the increase of vessel movements should be assessed and 'scoped in' to the UES.

5.2.48 These matters have been considered and suitably dealt with in Chapter 17 of this UES.

Historic Environment

5.2.49 The Scoping Opinion does not agree that impacts to the historic environment can be scoped out of the UES. The Scoping Opinion identifies that an updated assessment should be undertaken to assess the impacts of the altered quay alignment upon such heritage receptors. Furthermore, the assessment should be informed by the updated assessment of the impacts to the hydrodynamic and sedimentary regime.

5.2.50 These matters have been considered and suitably dealt with in Chapter 18 of this UES (which is now referenced as Marine Archaeology).

Light

- 5.2.51 The Scoping Opinion agrees that the proposed changes are unlikely to alter the characteristics of these impacts and as such, this aspect can be scoped out of the updated assessment.

Landscape and Visual

- 5.2.52 The Scoping Opinion agrees that the proposed changes are unlikely to alter the characteristics of these impacts and as such, this aspect can be scoped out of the updated assessment.

Socio-Economic

- 5.2.53 The Scoping Opinion agreed that this topic could be scoped out of the UES. Notwithstanding, whilst originally proposed to be 'scoped out' of the UES, Chapter 21 of this UES has been included to assess Socio-Economic effects associated with the diversion of a Public Right of Way (Footpath 50).

Aviation

- 5.2.54 The Scoping Opinion agreed that this topic could be scoped out of the UES on the basis that no new exceedance of the safeguarding surfaces for Humberside Airport were proposed. Notwithstanding, whilst to be 'scoped out' of the UES, Chapter 22 of this UES has been included to assess Aviation effects associated with the potential for craneage along the quay to reach a maximum height of 200m. This craneage height is in excess of that contained within the original ES and DCO.
- 5.2.55 Given that the proposed maximum height exceeds the defined safeguarding surface for Humberside Airport, Chapter 22 provides the necessary assessment of the proposed material amendment from an Aviation Safeguarding perspective.

Waste

- 5.2.56 The Scoping Opinion identifies that no matters were proposed to be scoped out of the assessment within the Scoping Report but identifies that the UES should include consideration of clay arisings and the reasons for the chosen options for disposal.
- 5.2.57 However, these matters are adequately dealt with as part of other Chapters of the UES (principally Chapter 4: Description of Changes to Development, and Chapter 8: Hydrodynamics and Sedimentary Regime). On this basis, it has not been considered necessary to undertake a further update of the Waste chapter within this UES and this topic has been 'scoped out'.

Health

- 5.2.58 The Scoping Opinion agrees that this topic can be 'scoped out' of the UES.

Other Matters

- 5.2.59 The following other matters of note are raised within the Scoping Opinion issued by PINS and have been duly considered in the preparation of this UES.

Alternatives

- 5.2.60 Paragraph 2.3.2 (page 7) of the Scoping Opinion identifies that *'The Inspectorate would expect to*

see a discrete section in the updated ES that provides details of the reasonable alternatives studied in relation to the Proposed Development and the reasons for selecting the chosen option(s), including comparison of the environmental effects’.

5.2.61 A suitable consideration of Alternatives has been provided within Chapter 4: Description of Changes to Development, whilst Appendix UES4-4 provides further details of the consideration of alternatives associated with the inset berth. It should be highlighted that the Regulations requires that the EIA provides a description of the main alternatives to any scheme that have been reasonably considered by the applicant.

5.2.62 On this basis, it is not necessary to detail hypothetical alternatives which have not been considered through the development design process. Indeed, given that the scheme is already subject to an extant DCO, this severely limits potential alternatives and also negates the consideration of a ‘no development’ scenario.

Flexibility

5.2.63 Paragraphs 2.3.1 to 2.3.3 (page 7) draws attention to the Inspectorate’s Advice Note Nine ‘Using the Rochdale Envelope’ in terms of the recommended approach to incorporating flexibility into a draft DCO.

5.2.64 Paragraph 2.3.2 (page 7) stipulates that *‘The Applicant should make every attempt to narrow the range of options and explain clearly in the updated ES which elements of the Proposed Development have yet to be finalised and provide reasons... The description of the Proposed Development in the updated ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations’.*

5.2.65 The requirements for flexibility have been considered and are limited as much as feasibly possible within the material amendment proposed. Indeed, the Chapters of this UES have duly detailed where flexibility is required when considering the material amendment to the extant DCO.

Cumulative and In-Combination Effects

5.2.66 The Scoping Opinion states that the South Humber Bank Energy Centre, which is stated in the Scoping Report as too remote to be assessed, has the potential for wider effects through the hydrological regime. Therefore, the updated assessment should include an assessment of likely cumulative effects with the South Humber Bank Energy Centre.

5.2.67 The Scoping Opinion also suggests that:

- The Centrica outfall should be included within the list of receptors being assessed for cumulative impacts, unless confirmation can be provided that it is no longer of relevance;
- Cumulative effects with major development proposed in the middle estuary should be assessed in the update assessment as per the comments received from Hull City Council; and
- The Outstrays to Skeffling Managed Realignment Scheme, as well as any other planning consents identified by Hull City Council, should be considered with regard to the suitability of the compensation site at Cherry Cobb Sands.

5.2.68 With regard to In-Combination Effects, it is noted that the Environment Agency has highlighted the

need for the Water Framework Directive assessment to include other activities which impact the same receptor. However, the Inspectorate has confirmed this should be included within the EIA process and contained within this UES.

Risk of Major Accidents and/or Disasters

- 5.2.69 The Scoping Opinion identifies that the five major accident hazard sites and one major hazard pipeline within the application boundary identified by the Health and Safety Executive should also be included in the updated Risk Assessment.

Climate and Climate Change

- 5.2.70 The Scoping Opinion considers the effects of climate change to have been appropriately considered in the original ES, and that the proposed change will not impact the finds of the original assessments.
- 5.2.71 Due to the fact that the assessment of carbon footprint in Appendix 13.1 of the original ES considers vessel type, and vessel utilisation in its final conclusions and the proposed changes to the quay design would allow for different vessel and loading/unloading practices, it is predicted that there would be a 10% increase in annual vessel movements. As such, the Inspectorate suggests that the impacts from changes in vessel type and utilisation should be updates where they are likely to result in any new or different significant effects.
- 5.2.72 However, this assumption of a 10% increase in annual vessel movements is incorrect and has been suitably clarified as part of this UES within Chapter 14: Navigation, and the associated Navigational Risk Assessment (Appendix UES14-1), as well as Chapter 17: Air Quality.

Transboundary Effects

- 5.2.73 The Scoping Opinion identifies that the UES should identify whether the Proposed Development has the potential for significant transboundary impacts and, if so, what these are and which EAA states would be affected (Paragraph 3.3.2 – Page 12).

5.3.0 Additional Consultation

- 5.3.1 In addition to the Scoping exercise outlined within Section 5.2.0 above, a range of additional consultation has been undertaken with statutory consultees and determining authorities where appropriate. These additional consultations have been undertaken on an ad-hoc basis by the teams responsible for preparing the various technical assessments and chapters of this UES.
- 5.3.2 This section of the chapter provides a summary of the additional consultation undertaken in advance of the necessary statutory consultation that is required in advance of a material amendment being submitted for a DCO. Further information regarding the necessary pre-submission consultation and any subsequent meetings are provided within Section 5.4.0 of this Chapter.
- 5.3.3 Rather than provide exhaustive detail of such ad-hoc consultations within this Chapter of the UES, each individual technical chapter has provided details of any additional consultation undertaken and included pertinent correspondence within a supporting Technical Appendix where appropriate. Nevertheless, for the purposes of this chapter, a summary of the consultation undertaken is provided below.
- **Geology, Hydrogeology and Ground Conditions** – no additional consultation undertaken at this stage;
 - **Hydrodynamics and Sedimentary Regime** – no additional consultation undertaken at this stage;
 - **Water and Sediment Quality** – no additional consultation undertaken at this stage;
 - **Aquatic Ecology** – consultation was undertaken with the Marine Management Organisation, Environment Agency and Natural England on 25th March 2021;
 - **Ecology and Nature Conservation** – no additional consultation undertaken at this stage;
 - **Commercial Fisheries** – consultation was undertaken with the Environment Agency on 25th March 2021;
 - **Flood Risk and Drainage** – a virtual consultation meeting with officers from the Environment Agency was undertaken on the 25th March 2021;
 - **Commercial and Recreational Navigation** – preliminary consultation was undertaken with stakeholders with regards to commercial and recreational navigation with the ABP Humber;
 - **Traffic and Transport** – consultation with North Lincolnshire Council regarding major highways works and effect of material amendment on network;
 - **Noise and Vibration** – no additional consultation undertaken at this stage;
 - **Air Quality** – additional consultation with the NLC Environmental Protection Team undertaken but no response received to date;
 - **Marine Archaeology** – no additional consultation undertaken at this stage;

- **Light** – no additional consultation undertaken at this stage;
- **Landscape and Visual** – no additional consultation undertaken at this stage;
- **Socio-Economic** – additional consultation was undertaken between the developer, AMEP and Network Rail in August 2020;
- **Aviation** – no additional consultation undertaken at this stage;
- **Waste** – no additional consultation undertaken at this stage; and
- **Health** – no additional consultation undertaken at this stage;

5.3.4 On this basis, please refer to the individual Chapters of this UES and the Consultation Report for detailed information of the additional consultation undertaken.

5.4.0 Material Change 2 Consultation & Representations

- 5.4.1 This section of the report provides a summary of the pre-submission consultation that has been undertaken in order to comply with requirements laid out within the Planning Act 2008 and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

Preliminary Environmental Information Report

- 5.4.2 To facilitate the pre-submission consultation process, a Preliminary Environmental Information Report (PEIR) was prepared¹. The PEIR, which was a pre-cursor to the preparation of this UES, set out the results of various updated technical assessments and a compliance review of the original ES submitted in support of the DCO.
- 5.4.3 The purpose of the PEIR was to provide preliminary environmental information to enable the relevant parties to consult on the proposals contained within the Material Change 2 application. However, it should be recognised that the PEIR included a number of topic chapters that were included for the benefit of the consultation exercise but may have been excluded from the content of this UES.

Newspaper Advertisement, Notified Parties & Site Notices

- 5.4.4 Regulation 14 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (SI 2011/2055) ('the 2011 Regulations') necessitates that the intention to submit a material amendment application for the DCO must be publicised.
- 5.4.5 The intention to submit the material amendment application was advertised in the local press in advance of the pre-submission consultation process commencing. A newspaper advert was published within both the Grimsby Telegraph and Scunthorpe Telegraph publications on 8th April and 15th April 2021. Further newspaper adverts were published in the London Gazette, Lloyd's List and Fishing News Weekly on 15th April 2021. A copy of these newspaper adverts is provided within Appendix UES5-3 and also within the Consultation Report (Appendix C) submitted in support of the Material Change 2 application.
- 5.4.6 In accordance with Regulation 10 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (SI 2011/2055) ('the 2011 Regulations'), the applicant must consult specified persons and authorities about the material amendment application.
- 5.4.7 Regulation 19 of the 2011 Regulations requires Able UK Limited to give notice of a material change application to specified persons and authorities and under Regulations 10(2) and 19(3), the Secretary of State may give consent for specified parties not to be consulted and/or notified.
- 5.4.8 The Secretary of State gave written consent under regulations 10(2) and 19(3) of the 2011 Regulations to reduce the list of parties required to be consulted and notified of the application. The Secretary of State also gave a recommendation on who else should be added to the list of parties to be consulted.
- 5.4.9 A list of consultation bodies, groups and persons to be notified (in writing) that the PEIR was

¹ <https://www.ableuk.com/sites/port-sites/humber-port/amep/>

available to view was agreed with the Secretary of State for Transport. A copy of the relevant correspondence is provided within Appendix UES5-4. The following notified parties were contacted via email in April 2021:

- Environment Agency;
- North Lincolnshire Council (Principal Access and Commons Officer);
- C.Ro Ports Killingholme Limited;
- National Grid;
- West Lindsey District Council;
- MMO;
- ABP Harbour Master;
- HSE;
- Network Rail Infrastructure;
- Natural England;
- Historic England;
- JNCC;
- MCA;
- The Coal Authority;
- Trinity House;
- PHE;
- C GEN Killingholme Limited (Centrica Storage Limited)
- Canals and Rivers Trust;
- National Grid Gas plc;
- National Grid Gas plc (Cadent Gas);
- Northern Gas Networks Limited;
- Office of Gas & Electricity Markets;
- Yorkshire Water plc;
- Homes England; and
- Humberside Airport.

5.4.10 Able Humber Ports wrote to each of these parties to notify them of the intention to submit a Material Amendment Application and to provide details of this consultation, including details of the PEIR. A website has also been created to allow the PEIR, associated information and drawings for the material amendment consultation to be freely available; the website address is as follows: <https://www.ableuk.com/sites/port-sites/humber-port/amep/>, the documents can be found under the tab “Documents”.

5.4.11 The consultation exercise was held between 25th April and 26th May 2021.

Consultation Responses

5.4.12 A summary table of the key themes raised as part of this consultation exercise is provided within Table 5-1 below, whilst the consultation responses are provided in full within the Consultation Report (Appendix E).

Table 5-1: Pre-Submission Consultation Responses (Key Themes)

Consultee	Summary of Consultation Response
Environment Agency	<p>Recognition that the subtidal dredged area for navigation appears to have increased, which has additional impacts on the benthic invertebrate fauna, that should be considered in both the PEIR and through to the WFD assessment.</p> <p>Consider providing more detail on the spatial area impacted for key habitats.</p> <p>Reference to cumulative impacts in the WFD assessment.</p> <p>Include dredging projects in the cumulative assessment.</p> <p>The Environment Agency has provided a list and explanation of points that they consider would benefit from further clarification.</p>
Humberside Airport	<p>Able should apply to the Civil Aviation Authority (CAA) regarding the use of quay side cranes around 200m and consult with Humberside Airport to agree any mitigation.</p> <p>It may be expeditious to have an independent report from an avian specialist even though Humberside Airport does not foresee any issues in relation to birds.</p>
ABP Humber Estuary Services	<p>Request for continuous monitoring of depths and accretion rates in all potentially affected areas.</p> <p>Concerns that during peak periods of activity, demand levels for Humber Estuary Services resources may exceed capacity. Estuary pilots are a finite resource so additional movements of dredgers may need forward planning – such as greater use of pilotage exemption certificates.</p>
National Grid	<p>National Grid has provided a list of requirements in relation to designing and working in the vicinity of its equipment.</p> <p>National Grid requests confirmation that the existing protective provisions in the original DCO remain in force.</p>
Marine and Coastguard Agency	<p>The proposed assessment methodology for 'Commercial and Recreational Navigation' should be updated for the revised Environmental Statement.</p> <p>To address the ongoing safe operation of the marine interface for this project, Able should follow the Port Marine Safety Code (PMSC) and its Guide to Good Practice. Able should liaise and consult with the Statutory Harbour Authority and develop a robust Safety Management System (SMS) for the project under this code.</p> <p>Associated British Ports Ltd (ABP) as the Statutory Harbour Authority for the Humber Estuary should be fully consulted.</p>
Marine Management Organisation	<p>The MMO requests that prior to the submission of the Application to the Planning Inspectorate, Able enter into discussions with the MMO on proposed changes to the DCO and Deemed Marine Licence to ensure that, where possible, issues are resolved prior to submission.</p> <p>Review impacts of using CSD on sediment concentrations and disposal of non-erodible material at HU081.</p> <p>Able should investigate mitigation options for the disposal of non-erodible material.</p> <p>Contact the following: North Eastern Inshore Fisheries Conservation Authority, Fisherman's Mission, Holderness Fishing Industry Group and National Federation of Fisherman's Organisation.</p>

Consultee	Summary of Consultation Response
	<p>Cross-link Volume 2 report to table of contents.</p> <p>Review impact on all East Inshore Marine Plan policies. A Marine Plan Policy Assessment Tool should accompany future documents.</p>
C.Gen	<p>C.Gen request that the former Centrica Killingholme is included in the environmental assessment as the cooling water infrastructure and route remains viable for providing cooling water abstraction and discharge (subject to an environmental permit and other consents as necessary) for electricity generation uses in future.</p> <p>C.Gen requests confirmation that the existing protective provisions in the original DCO remain in force.</p>
C.RO	<p>C.RO requests confirmation that the existing protective provisions in the original DCO remain in force</p> <p>Request for further information as to how various planning permissions and DCO will interact.</p> <p>Query in relation to the Order Limits extending through C.RO site, along the route of the Killingholme Branch Line</p> <p>Concern that changes to methodology result in increased construction vessel movements in the approach channel to C.RO Ports Killingholme, which presents a navigation risk, and potential to disrupt or delay scheduled services.</p> <p>Request for the impact of changes to the construction of the quay wall in terms of phasing / sequence, and design, that could alter the river regime and increase dredging requirements (and cost) for C.RO.</p> <p>Request for an assessment of how the revised quay layout would operate with the creation of a new barge berth at the northern end of the quay. This should include information about what types of vessels would use this revised berth (including length and draught).</p> <p>Offer for C.RO to review navigation risk assessment in advance of submission.</p> <p>Request for the modelling, and provision of information, on the longer term impact of dredging activities resulting from this change</p> <p>Request for further information on the purpose of the footpath diversion.</p>
Network Rail	<p>Network Rail state they should be fully engaged in relation to the diversion of the footpath.</p> <p>Network Rail list various legal and commercial agreements that need to be discussed with Able.</p>
Natural England	<p>Request for updated tables relating to SAC Habitat Losses and Changes similar to those at pgs.74-77 of Annex B of the SOCG between Able and The Marine Management Organisation and Natural England (dated 24 August 2012).</p> <p>Natural England also notes that the SOCG refers to the embedded mitigation measures that “dredging and disposal to avoid sensitive time periods for lamprey species.” Natural England wants confirmation that this will remain the case.</p> <p>Query as to whether the updated HRA reflects updates to both industry standard guidance and best available evidence since the original Environmental Statement was written.</p>

Consultee	Summary of Consultation Response
	<p>Natural England has raised points regarding the HRA, which need further information or clarification.</p> <p>Natural England state that the changes in dredging may require further updates to the Marine Environmental Management and Monitoring Plan and HRA, for example, remedial measures, if the sediment does not erode within the stated timeframes.</p> <p>Clarification of the total number of dredge vessel movements in the consented scheme.</p>
North Lincolnshire Council	<p>The North Lincolnshire Council's Historic Environment Record has provided a list of points related to the marine historic environment that they wish to discuss further with Able.</p> <p>North Lincolnshire Council has provided a list of local policy that remains in force for Able's consideration.</p> <p>North Lincolnshire Council raises whether the following developments should be included in chapter 6 of the PEIR when considering cumulative effects of committed developments.</p> <ul style="list-style-type: none"> The Immingham Open Cycle Gas Turbine Order 2020 (DCO) – S.I. 2020 No. 847. <p>PA/2018/918 – Planning permission to construct a new gas-fired power station with a gross electrical output of up to 49.9 megawatts – VPI Immingham Energy Park A, Rosper Road, Immingham, North Lincolnshire, DN40 4DZ – Approved with EA 07/09/2018.</p>
Health and Safety Executive	<p>The presence of hazardous substances on, over or under land at or above set threshold quantities will probably require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990. Further information on HSC should be sought from the relevant Hazardous Substances Authority.</p> <p>A risk assessment, if needed, should follow Annex G of the Planning Inspectorate's Advice Note 11.</p>
Historic England	<p>Historic England have provided a list of design phase investigations and pre-construction investigations under the original DCO which they would want to see included in the PEIR.</p> <p>Historic England request that justification is provided for changes between the 2012 and 2021 Marine WSI.</p>

5.4.13 Again, each individual topic Chapters provides further information regarding the content of these pre-submission consultation responses and how they have been considered in the preparation of this UES.

Meetings

5.4.14 Subsequent to the publication of the PEIR for the pre-submission consultation process, further meetings have been held with statutory consultees to discuss elements of the proposed material amendment.

5.4.15 Able UK Limited has undertaken a number of meetings with the Environment Agency (EA), Marine Management Organisation (MMO), Natural England (NE), North Lincolnshire Council (Archaeology Officer), and C.Ro Ports Killingholme Limited. These meeting were undertaken on the following dates:

- **Environment Agency:**
 - Meeting 1 – 27th April 2021. Matters discussed included: the dredge and disposal strategy; the characterisation of dredge arisings; dredging methods; disposal site capacity; Water Framework Directive; overtopping calculations for the quay and adjacent defences; wave impacts; cumulative impacts and benthic ecology.
 - Meeting 2 – 18th May 2021. Matters discussed included: actions arising from the previous meeting; fish disturbance; habitat losses as reported in PEIR Appendix U11-2; recreational fishing and cumulative projects.
- **Marine Management Organisation:**
 - Meeting 1 – 23rd April 2021. Matters discussed included: the updated dredge and disposal strategy; the characterisation of the dredge arisings; dredging methods and impacts; disposal site capacity and a presentation by HR Wallingford of the wider impacts on the hydrodynamic and sedimentary regime as set out in the PEIR Chapter 8.
 - Meeting 2 – 12th May 2021. Matters discussed included: actions arising from the previous meeting; fish disturbance; commercial fishing including an update on fish baseline; habitat losses as reported in PEIR Appendix U11-2 and projects likely to act cumulatively with AMEP.
 - Meeting 3 – 27th May 2021 (jointly with EA). Matters discussed included: the assessment of impacts from cutter suction dredging and the effect of waves on Hawkins Point. All information was presented by HR Wallingford.
 - Meeting 4 – 21st June 2021. Feedback on final draft version of ES Chapter 8 and a summary by HR Wallingford of what was included; review of a draft version of Variation 3 to the Marine License and the application process which necessitated a separate submission to vary the Marine License to the MMO.
- **Natural England:**
 - Meeting 1 – 15th June 2021. Matter addressed included: construction vessel movements; underwater noise and mitigation by existing conditions in Schedule 8; habitat losses as reported in PEIR Appendix U11-2; mitigation for lamprey and the Statement of Common Ground from 2012; in-combination projects and resolution of comments on the draft HRA submitted with the PEIR.
- **North Lincolnshire Council (Archaeology Officer):**
 - Meeting 1 – 9th June 2021. Matters addressed included: the practicality of conducting any further investigations and the revisions proposed to the Witten Scheme of Archaeology for Marine Archaeology. It was agreed that the WSI could be amended by agreement between the local planning authority and that the extant WSI would be retained within this application for a material change.

- **C.Ro Ports Killingholme Limited:**
 - Meeting 1 – 28th April 2021. Matters addressed included: construction vessel traffic; changes to the hydrodynamic and sedimentary regime insofar as they affect berths at C.Ro Port (Killingholme) and the dredge and disposal strategy.
- **Exolum & Associated Petroleum Terminals (Immingham) Ltd:**
 - Meeting 1 – 13th May 2021. Matters addressed included: construction vessel traffic; changes to the hydrodynamic and sedimentary regime insofar as they affect berths at South Killingholme Oil Jetty; provision of walkway access to dolphins to mitigate for potential accretion which would impact on vessel access, and the dredge and disposal strategy
- **ABP Humber Estuary Services:**
 - Meeting 1 – 14th May 2021. Matters addressed were: construction vessel traffic; changes to the hydrodynamic and sedimentary regime insofar as they affect adjacent berths; the dredge and disposal strategy; protective provisions as set out in Schedule 9 and the need for close working including the availability of Pilots to service dredging operations. It was agreed that Pilot Exemption Certificates would be needed to avoid disruption to the dredging works.
- **ABP Ports of Immingham:**
 - Meeting 1 – 26th May 2021. Matters addressed were: construction vessel traffic; changes to the hydrodynamic and sedimentary regime insofar as they affect berths at the Port of Immingham; the dredge and disposal strategy, and existing maintenance dredge soil fractions.

5.4.16 Again, further details regarding these meetings has been provided within each individual topic Chapter, including providing further information regarding their content and how they have been considered in the preparation of this UES.

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