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13/02/2025

Able Humber Ports Ltd

North Lincolnshire Council

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Planning Inspectorate Reference Number: TR0310001

Planning Application Reference: PA/SCO/2025/3

Application by Able Humber Ports Ltd (the applicant) for an Order granting Development Consent for the Able Marine Energy Park Material Change 3 (the proposed development)

Scoping consultation and notification of the applicant's contact details and duty to make available information to the applicant if requested

Location: east of North Killingholme, within North Lincolnshire, on the south bank of the River Humber

Officer: Matthew Gillyon

Thank you for your email dated 16th January 2025 giving North Lincolnshire Council (NLC) the opportunity to comment on the Scoping Report submitted by Able Humber Ports Ltd (the applicant) in respect of a proposed application for an Order granting Development Consent for the Able Marine Energy Park Material Change 3 (the proposed development) Scoping Consultation.

I can confirm that after consultation with our internal technical consultees that North Lincolnshire Council has the following comments to make:

Conservation

The proposed changes noted within the Scoping Report have the potential to impact the setting of 3 identified listed buildings:

1. Killingholme North Low Lighthouse, grade II listed building – NHLE Ref: 1103707
2. Killingholme High Lighthouse, grade II listed building – NHLE Ref: 1103706
3. Killingholme South Low Lighthouse, grade II listed building – NHLE Ref: 1215093

The change includes the receiving, dismantling and recycling of offshore marine structures additional to the manufacture of, erection and transportation of renewable structures. These have potential to result in visual changes to the setting of heritage assets, potentially affecting their significance.

Impacts of the proposed changes to built heritage assets should be scoped in, requiring a re-assessment within an updated Environmental Statement. The assessment should follow suitable guidelines to include:

- Historic England GPA2 – Managing Significance in Decision-Taking in the Historic Environment
- Historic England GPA3 – Setting and Views
- Historic England Advice Note 12 – Statements of Heritage Significance

Archaeology

The proposed material change has the potential for different affects to heritage assets and their settings including Schedule Monuments, Listed Buildings and non-designated heritage assets.

The proposed material changes to receive, dismantle and recycle offshore marine structures additional to manufacture, erection and transportation of renewable structures will result in visual changes within the setting of heritage assets potentially affecting their significance.

The proposed material changes include phasing the construction of the quay in discrete stages with no obligation to complete the whole of the quay within any specified time frame.

Such material changes will affect the implementation and timescale for the delivery and completion of the Marine Archaeology Written Scheme of Investigation (WSI, Sept 2021) agreed for MC2 and the delivery and final reporting of the Terrestrial Archaeology Framework WSI (2012) and archaeological project design within an appropriate timescale.

The updated Environmental Statement therefore requires reassessment of the Cultural Heritage and Archaeology impacts of the proposed material change and of the WSIs/project design secured by Schedule 11, Requirement 17 of the DCO.

Impacts of the proposed changes on the Marine Archaeology and Terrestrial Archaeology should be **SCOPED IN**.

Landscape and Visual Impact

The original scheme had significant landscape impacts requiring an EIA, with significant on-site and off-site landscaping. Since this material change consists of amendments to the cargo and recycling facilities, and with consideration of the equipment and structures required to manipulate “redundant marine structures” and the component parts, it is the view of the local planning authority that, a new Landscape and Visual Impact Assessment needs to be provided. Therefore, potential landscape and visual impacts of the proposed changes should be scoped in.

Highways

From the information provided the only change which is likely to lead to an increase in vehicle numbers, the proposal to receive, dismantle and recycle offshore structures. The scoping report states that ‘redundant structures may arrive on barges or on specialist heavy lift vessels’ (para 2.11). It isn’t clear whether any would arrive by road. The report predicts there will be an additional 1500 vehicle movements in/out of the site per year, if all additional waste is removed from the site by road. It is anticipated that these movements will be spread over several periods, each lasting several days, during the year. The applicant predicts that the maximum traffic impact would be no more than 10 vehicle movements per hour and therefore the traffic and transport chapter can be scoped out of the EIA. The report later suggests that a maximum of 30,000 tonnes of scrap and other waste will be generated annually.

Whilst the vehicle movements quoted are low, limited information has been provided to justify these numbers or identify measures that will be implemented to restrict tonnage / vehicle movements. The local planning authority suggest that a Transport Statement is submitted alongside the EIA which provides more information on this.

Public Right of Way

The local planning authority would like to highlight the need to include consideration of Public Footpath 50, which lies within the site, in respect of the proposed material change application. As well as a material consideration for planning purposes, this is also part of the England Coast Path, a national trail.

On a practical level, Able UK's plan AME-002-00136 Rev shows by way of a red short-dashed line a "proposed new section of diversion (consented under PA/2023/502)". Whilst the councils Highways Asset Team would not necessarily object to this proposal, the local planning authority do not agree that this diversion is consented under PA/2023/502, which makes no reference within the approved plans or documents to the diversion of Public Footpath 50. The only references to a Public Footpath within PA/2023/502 being to the existing Public Footpath 100 along Marsh Lane.

If, as the LPA understand to be the case, Able UK wish ultimately to divert Public Footpath 50 from Station Road to land alongside the northeastern edge of Rosper

Road between Station Road and Marsh Lane as indicated, this would require a legal order made under appropriate legislation.

Ecology (Full response in appendix)

The applicant should provide the information reasonably required for an updated Habitats Regulations Assessment.

Any impacts on The South Humber Gateway Mitigation Strategy should be assessed and avoided, minimised or compensated for -in that order of priority.

Due to the change in subtidal habitat near the site, and the time between the previous surveys, additional species surveys should be conducted.

The LPA agree with the items scoped in for the EIA.

If mitigation measures are required, supporting the on-going delivery of East Halton Wet Grassland may be an appropriate route.

Environmental Protection (Full response in Appendix)

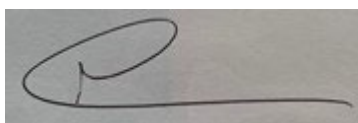
The proposed material changes include receiving, dismantling and recycling offshore marine structures which has the potential to cause environmental impact. In terms of noise, the councils Environmental Protection department do not agree with the report that noise should be scoped out of any further EIA, as no quantification of potential noise impacts has been presented.

In relation to air quality, the councils Environmental Protection department do not agree with the report and the recommendation to scope out air quality. Further justification and mitigation measures for the control of emissions to air during any dismantling process will be required and should be appropriately assessed.

In relation to land contamination, Environmental Protection agree with the approach set out in the scoping report

I trust that this response has provided the necessary clarification. Do not hesitate to contact me should you wish to discuss this matter further.

Kind Regards



Matthew Gillyon
Senior Planning Officer
North Lincolnshire Council

Appendix

Ecology/Landscape Full Response

Thank you for consulting Place Planning & Housing on the above Environmental Impact Assessment (EIA) scoping request for a material change.

EIA Screening

The applicant has identified that the proposed project is Schedule 2 Development under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. It comprises amendments to a Schedule 1 development and is acknowledged as having potential significant environmental effects in the submitted Scoping Report.

Landscape

Landscape and visual impacts need to be considered in terms of the adopted Landscape Assessment and Guidelines and the Countryside Design Summary. I also recommend the use of the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3, 2013), produced by the Landscape Institute and the Institute of Environmental Management & Assessment.

Core Strategy Spatial Objective 10, policies CS5 and CS16 and Saved Local Plan Policies LC7, LC20 and RD2 should also be considered.

The Adopted Landscape Assessment and Guidelines document (SPG5) gives the following guidance for this area (relevant excerpts only):

“Industrial Landscape – South Humber Bank

Landscape Strategy:

Many grants are now available to industries with the aim of bringing about significant environmental improvements. The South Bank Humber Project also aims to encourage corporations to improve their setting and local landowners to enhance the rural setting. These incentives can be harnessed to implement a landscape strategy of restoration of landscape structure and softening the impact of industrial development.

Landscape Guidelines:

Mitigation planting should principally be mixed broadleaf in composition, in irregular large-scale blocks and linked to existing blocks and hedgerows. Where year round screening is required, conifers should be included in mixes.

[...]

Protect existing hedgerow trees and encourage re-instatement. Seek to maintain the remnants of former field boundaries.

Seek to soften security fences of industrial complexes by planting trees and shrubs.

Larger tree species that are in scale with the industrial mass should be selected for ornamental planting. Shrub planting should appear robust and substantial.

Use of a signature tree throughout the area, particularly along transport corridors may help to unify the industrial area and strengthen identity.

Where necessary, augment gapped or discontinuous hedge lines within remnant farmland. Link to screen planting and thicken to increase their presence in the landscape.

Seek to increase the recreational use of the area. Access to footpaths links along the North Sea coast in particular should be encouraged for walking etc.

Seek to conserve and manage existing wetlands in the form of lakes, ponds and marshes and identify opportunities for habitat creation.”

The whole of the South Humber Bank allocated land forms part of the South Humber Bank Landscape Initiative, covered by saved policy LC20:

“It is proposed that the following measures will be undertaken throughout the South Humber Bank Landscape Initiative area:

- i) softening - provision of stepped-back security fences, fringed with shrubs and trees;
- ii) screening - establishment of mixed broad-leaf and conifer belts;
- iii) habitat conservation - maintenance of wet areas and other existing features, such as woods and hedges, to provide a good framework for future improvements;
- iv) habitat creation - introduction of lakes, ponds and marshes;
- v) field boundary management – careful management of existing hedges to increase height;
- vi) tree and hedge planting - new planting, carefully positioned for maximum effect, with minimum impact on farm management industry’s operational needs and sites of archaeological importance.”

The original scheme had significant landscape impacts requiring an EIA, with significant on-site and off-site landscaping. Since this material change consists of amendments to the cargo and recycling facilities, and with consideration of the equipment and structures required to manipulate “redundant marine structures” and the component parts, in my view, a new Landscape and Visual Impact Assessment needs to be provided.

Habitats Regulations

The proposals would have a likely significant effect on the Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site. Potential hazards include (but are not limited to):

- Direct physical disturbance of subtidal habitats.
- Habitat and benthic communities’ disturbance from the sediment plume.
- Changes in hydrodynamic and morphodynamic regimes in the estuary due to amended dredging proposals, rock placement and quay arrangement.
- Associated indirect impacts on estuarine birds due to physical changes in the estuary.
- Water pollution impacts on SAC, SPA, SSSI and Ramsar habitats.
- Construction and operational noise and visual disturbance of SPA/SSSI/Ramsar waterbirds from the designated sites.
- Construction and operational noise and visual disturbance of SPA/Ramsar waterbirds from “functionally linked land” (land outside the designated sites, used by birds for feeding, roosting and loafing).
- Displacement of SPA/Ramsar waterbirds from “functionally linked land.”
- Permanent loss of “functionally linked land.”
- Bird collision associated with construction of any above ground installations (pylons) for the grid connection.
- Impacts of new external lighting on bird behaviour.

Regulation 63(2) of The Conservation of Habitats and Species Regulations 2017 states that, “A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.” In this case, the Secretary of State will require various information from the applicant including, but not limited to the following:

- A plan showing the location of the proposals in relation to the boundaries of the Humber Estuary SAC, SPA and Ramsar site.

- A habitat survey of the application site and surrounding areas, with particular reference to habitat features that may support breeding, wintering or passage birds associated with the Humber Estuary SPA and Ramsar Site.
- Details of water quality, hydrodynamic and sedimentary changes as set out in Table 5 of the Scoping Report.
- Recent breeding, wintering and passage survey information sufficient to assess the usage of the application site, surrounding area and adjacent SSSI units by birds associated with the Humber Estuary SPA and Ramsar Site.
- Details of any aerial or waterborne emissions and any impact pathways in relation to the Humber Estuary SAC, SPA and Ramsar site.
- Baseline levels of noise, lighting, and visual disturbance at Rosper Road Pools and other adjacent functionally linked land.
- Predicted levels of construction and ongoing noise, lighting, and visual disturbance at Rosper Road Pools and other adjacent functionally linked land.
- Any proposed buffers or mitigation measures to minimise disturbance of SPA/Ramsar waterbirds.
- Details of strategic mitigation for displacement of passage and wintering waterbirds.
- Details of plans and projects to be considered in combination with the current project.

The submitted EIA Scoping Report notes a HRA was submitted for the original scheme and, as with the previous material change (MC2), this will be reviewed and updated for the DCO application.

The applicant has created waterbird mitigation habitat at Halton Marshes in North Lincolnshire, in part to mitigate and compensate for impacts attributable to the Able Marine Energy Park. Section 2.6 of the submitted Scoping Report notes that, “No changes are being sought as part of this application to any of the ecological mitigation works in North Lincolnshire or to the ecological compensation works in the East Riding of Yorkshire.” Should this change for any reason, then those changes should be addressed in the Environmental Statement.

Proposed Changes to the Permanent Works

The proposed material change (MC3) covers multiple aspects of the original DCO, and consists of:

- The quay face is to be partially set back.
- The berthing pocket to be widened from 61m to 80m – to accommodate vessels used and anticipated to be used, by the offshore energy sector.
- The berthing pocket to be dredged below its consented depth of -14.5cm CD to -17.5cm CD.
- The berthing pocket to be infilled with a uniform bed for jack up vessels.
- The quay to be built in up to 3 stages. Once the first stage is commenced, there would be no obligation to complete the whole of the quay within any specified timeframe.
- Dolphins are to be added to the ends of the quay – to provide additional mooring points and temporary dolphins incorporated at the end of constriction Stages 1 and 2.
- A relaxation of the cargo restriction set out in Schedule 11, paragraph 4 of the DCO, so that redundant marine structures are allowed to be handled across the quay to enable their recycling. Products arising from recycling (such as steel) would also be permitted to be handled across the quay.
- An amendment to the diversion of Footpath 50, so that instead of the diversion running along Station Road, a new section is authorised from the junction of Station Road and Rosper Road up to the junction of Marsh Lane and Rosper Road. At Marsh Lane the diverted footpath will connect with existing public footpath 100.
- Since the lapse of AHPL’s power to compulsorily acquire land, conferred by Article 30 of the DCO, it has identified a number of unregistered land parcels. The undertaker proposes to extend the 5-year time limit in Article 30, to allow acquisition of these parcels if required.

- Clarification that subsequent 'drop-in permissions' granted under the Town and Country Planning Act 1990 can be implemented without preventing further development under the DCO (in light of the Hillside Supreme Court decision).

A further updated Environmental Statement (fUES) will be submitted with the MC3 application. Additionally, due to the increase of approximately 900,00 m³ in proposed dredging (consented for 840,000 m³), a new or amended Marine Licence will be required. The amended volumes and new material types will be considered in the fUES. Approximately 450,000 m³ of the dredged material will be chalk, alongside the previously consented silts, sands and clays.

Since the proposed material change site for MC3 encompasses primarily marine habitats, however these may have indirect effects on habitats in the intertidal zone, the scoped in impacts are as follows:

- Construction impacts – dredging
- Habitat and benthic communities' disturbance from the sediment plume
- Dispersal of sediment during dredging operations and dredge disposal
- Associate indirect impacts on habitats from capital dredging
- Potential changes to fish and fish eggs/larvae from habitat loss and disturbance
- Loss of subtidal habitat and benthic communities from dredge spoil disposal
- Indirect changes to habitats from project-induced changes in hydrodynamic and morphodynamic regimes for dredge disposal and potentially for quay construction
- Loss of habitat (intertidal and subtidal) and benthic communities from the additional land required for the quay
- Creation of new hard substrata habitat for the quay construction
- Changes to aquatic environment in adjacent water bodies
- Ornithological impacts on SPA qualifying bird species (hence HRA) scoped in depending on conclusion of indirect changes to habitats from project-induced hydrodynamic and morphodynamic changes.

I agree with the proposed items scoped in for the EIA.

Protected and Priority Species

I have considered this application in accordance with Natural England's standing advice for protected species- <http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx>.

Appropriate protected and priority species surveys for aquatic species were carried out for the original scheme in 2012 as part of the ES. The assessment and examination documents included:

- Benthic and Fish Surveys Report
- Impact Assessment of AMEP on Humber Lamprey
- MEP Impact of Underwater Piling Noise on Migratory Fish
- Saltmarsh Survey Cherry Cobb Sands (north bank of the Humber)
- Impact of Dredging and Dredged Material Disposal on 1) Subtidal and Intertidal Features and 2) Aquatic Ecology
- Supporting Information on Harbour Porpoises in the Humber Estuary
- Impact of Berthing Pocket Construction
- Soft Start and Seals
- An Assessment of Temporal Variation of Benthic Invertebrate Communities in the Humber Estuary

Previous surveys for aquatic fauna and flora were conducted for the original scheme in 2012 and the MC2 UES indicates additional intertidal and subtidal invertebrate and NVC

communities' surveys (around the AEMP site) were conducted up to 2021. Benthic invertebrate communities were surveyed in 2016, and additional fish surveys were conducted from 2013 to 2017.

Marine mammals such as common seal and common porpoise are occasional visitors to the Estuary, and grey seals are a SAC interest feature with significant presence in the Outer Estuary near Donna Nook. The applicant stated due to the high mobility of marine mammal species, and occasional sightings, dedicated surveys have not been conducted. Cetacean beachings have occurred on the Estuary mudflats, with deceased individuals reported to North Lincolnshire Council within the past decade, as well as reports of cetacean species at least as far up the Estuary as Redcliff Middle Sand, to the west of the Humber Bridge. Recent studies have indicated that marine noise and vibration can significantly impact cetacean navigational ability and foraging capabilities, therefore, with consideration of recent records, I would expect a marine mammal survey to be conducted.

The subtidal and intertidal habitat has altered over the last decade. Humber Estuary SSSI unit 94 "Jetty to North Killingholme Haven" was largely mudflat at the time of the original DCO application, but recent assessments indicate that the habitat has largely succeeded to saltmarsh. Updated habitat and species surveys will therefore be required to allow consultees to better understand impacts on these features.

Surveys should consist of inter alia:

- Intertidal and subtidal invertebrate surveys
- NVC communities survey
- Benthic invertebrate communities survey
- Fish surveys
- Marine mammals survey

Biodiversity Enhancement

The National Planning Policy Framework states that:

"180. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils [...]

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; [...]

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

[...]
and

"186 d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.."

Mitigation measures were applied for the original scheme, with the delivery and continuing monitoring and maintenance of the Halton Marshes Wet Grassland.

Environmental Protection Full Response

Thank you for your memo requesting this departments comments on the above Scoping Request. This department has reviewed the following report submitted in support of the application:

- AMEP DCO Material Change 3, Project Reference 138434, Dated 16.01.25

The proposed material changes includes receiving, dismantling and recycling offshore marine structures which has the potential to cause environmental impact. Further comments are provided below.

Noise

The process of unloading redundant structures from the quay to an area designated for demolition and size reduction of the structure has the potential to cause adverse noise impact.

The report concludes the following in relation to noise:

Noise and Vibration	<p>The baseline and the impacts of the approved scheme on the local noise environment are presented in Chapter 16 of the UES for MC2 (https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR030006/TR030006-000108-TR030006-APP-6-16.pdf)</p> <p>The existing acoustic environment surrounding the proposed development is dominated by industrial noise, particularly flaring from the adjacent refinery and traffic from surrounding roads. It is also considered that, albeit to a lesser extent, marine sources from the east and noise from rail movements to the south influence the current acoustic environment.</p>
	<p>The UES for MC2 reviewed the original ES for AMEP , to determine whether the proposals, and subsequent changes in policy, guidance and baseline conditions had the potential to lead to changes in the findings as described within the original ES. Following this review within the UES, no changes were identified that would alter the assessment of effects as described within the original ES.</p> <p>Whilst the proposed amendments in MC3 will result in different alignment of the quay wall, it is considered that its installation will not result in any new or different noise impacts or vibration during construction. Construction noise impacts were assessed on a worst-case scenario of all marine and terrestrial works being undertaken simultaneously; vibration impacts were assessed on a worst-case scenario. Appropriate mitigation has been secured through the DCO and the amended quay for MC3 will be constructed in accordance with this mitigation.</p> <p>Once operational, although the proposed changes will allow for redundant marine structures to be handled across the quay to enable their recycling, it is considered that the noise impacts with the associated activities would not warrant this to be assessed through the EIA process.</p> <p>This topic is therefore scoped out.</p>

The above statement is not supported with any quantification of noise impacts and this department do not agree that noise should be scoped out of any further EIA.

Air Quality

The report concludes the following in relation to air quality:

Air Quality	<p>The baseline and the impacts of the approved scheme on air quality are presented in Chapter 17 of the UES for MC2 (</p> <p>Air quality levels were assessed to be not significant in the UES. MC3 is not expected to give rise to materially different levels of emissions to air.</p> <p>An assessment of impacts on air quality for MC3 is therefore scoped out.</p>
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Whilst this department do not disagree with the above statement, further justification and mitigation measures for the control of emissions to air during any dismantling process will be required.

Contaminated Land

The report concludes the following in relation to contaminated land:

ES Chapter Title	Environmental Effects
Geology, Hydrogeology and Ground Conditions	<p>Geology, Hydrogeology, Ground Conditions, Ground Gas</p> <p>MC3 does not propose any changes to the approved terrestrial works which would affect the geology, hydrogeology (groundwater), ground conditions or gas assessments presented within Chapter 7 of the UES for MC2 (https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR030006/TR030006-000129-TR030006-APP-6-7.pdf)</p> <p>As recorded in the UES, additional sediment sampling and testing was undertaken which continues to identify elevated trace metal and hydrocarbon concentrations in estuarine silts. Notwithstanding this, these levels remain within the acceptable limits to allow the disposal of dredging material at identified locations within the Humber. Due to the age of the testing, further samples will be taken to inform the fUES.</p> <p>As noted earlier in this Scoping Report, the deeper berthing pocket will result in chalk being dredged in addition to the silts, sands and clays that have already been considered. An application will be made to seek an amended Marine Licence and the amended volumes and new material types will be considered in the fUES. The additional material lies at significant depth and will not be contaminated for former industrial and anthropogenic activity.</p> <p>The effects of additional dredge arisings being deposited in the Humber and any potential significant change in the levels of contaminants will also be assessed in fUES.</p> <p>An update to the Contaminated Sediments section of the chapter is therefore scoped in.</p>

This department agree with the above approach.