

Appendix I

Reverter of land of AB Ports

43A—(1) If following acquisition of the port land under the powers of the Order any of the conditions set out in paragraph (3) are satisfied AB Ports may serve notice on the undertaker requiring reverter of all or any part of the port land.

(2) On the expiry of 2 months from the service of such notice ownership of the port land specified in the notice shall revert to AB Ports and any interest created in that land following its acquisition shall be extinguished.

(3) (a) The first condition is that the authorised development is not commenced on the port land within 2 years of the acquisition of that land.

(b) The second condition is that having been commenced, construction of the authorised development on the port land is abandoned and for this purpose construction shall be deemed to be abandoned if [prior to its completion¹]

construction work has ceased for a period of 2 years.

(c) The third condition is that having been commenced the authorised development on the port land is not completed within 10 years from the coming into force of this Order.

(d) The fourth condition is that the authorised development having been constructed in whole or in part on the port land, the port land ceases to be used for the purpose authorised by this Order in connection with facilities for the manufacture, assembly and storage of structures, components and parts for offshore wind energy and related items.

(4) In the event that Work No. 1 is constructed so as to extend on the river side, and block river access to the port land, the undertaker shall, if requested to do so by AB Ports following service of notice under paragraph (1), grant to AB Ports such right of access over Work No. 1 as may be reasonably required for the purpose of loading and unloading, and transporting goods to and from the port land.

(5) Consideration for the reverter of the port land and the grant of the right of access referred to in paragraph (4) shall be payable by AB Ports to the undertaker and assessed as if the land and right had been acquired compulsorily under the powers of the Order.

(6) In this article—

(a) the “port land” means the land in the ownership of AB Ports shown numbered 03020, 03021, 03022 and 03023 on the land plans; and

(b) “the undertaker” includes any successor in title to the undertaker as owner of the port land and Work No. 1.

¹ Amendment offered by ABP during the second DCO hearing