



Able Marine Energy Park

List of Consents Needed

December 2011
Revision: 0
Bircham Dyson Bell

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1 Summary

- 1.1 This document lists other consents that Able Humber Ports Ltd intends to obtain to allow the construction, operation and maintenance of its proposed Able Marine Energy Park (AMEP) to take place. The document is not required by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, but is recommended in CLG guidance on application forms (paragraph 47):

“Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and / or operational, and for which the Commission is not the authorising body, then the applicant must list and briefly describe these in Box 24. Reference should be given to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of. Such other consents could be required for controlling pollution, for example.”

2 Consents disapplied

- 2.1 Article 4 of the order granting development consent (document reference TR030001/APP/9) disapplies certain consents which therefore do not need to be applied for separately.
- 2.2 These are:
- (a) consents under sections 25 and 26 of the River Humber Conservancy Act 1852;
 - (b) consent under section 9 of the Humber Conservancy Act 1899;
 - (c) consent under section 6(2) of the Humber Conservancy Act 1905; and
 - (d) consent under section 23 of the Land Drainage Act 1991 (south bank).
- 2.3 To include the last of these consents in the order requires the consent of the body who would otherwise have granted it, namely the North East Lindsey Drainage Board, pursuant to s150 of the Planning Act 2008 and paragraph 32 of Part 1 of the Schedule to the Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2010 (SI 20109/105). A copy of the consent of the NELDB is attached at Annex A.

3 Consents required

3.1 The following remaining consents are expected to be required:

- (a) approvals from the two local planning authorities pursuant to the requirements contained in the development consent order;
- (b) permits from the Environment Agency pursuant to the Environmental Permitting (England and Wales) Regulations 2010;
- (c) consent from the Environment Agency under the Water Resources Act 1991;
- (d) a licence from Natural England under regulation 55 of the Conservation of Habitats and Species Regulations 2010;
- (e) consents from Natural England under regulations 16 and 28E of the Wildlife and Countryside Act 1981;
- (f) agreements with the Highways Agency, North Lincolnshire Council and North East Lincolnshire Council under s278 of the Highways Act 1980;
- (g) Hazardous Substances consent under the Planning (Hazardous Substances) Act 1990;
- (h) consent from Network Rail relating to taking a section of railway line out of the national network;
- (i) a licence under section 10 of the Protections of Badgers Act 1991;
- (j) consent under regulation 6 of the Hedgerow Regulations 1997;
- (k) consent under section 23 of the Land Drainage Act 1991 (north bank); and
- (l) consents under flood defence byelaws on either bank.

Annex A – consent of the North East Lindsey Drainage Board

From: trevor [mailto:trevor@northeastlindsey-idb.org.uk]
To: WALKER Angus
Cc:
Subject: RE: Able Marine Energy Park

Sent: Thu 12/05/2011 10:20

Angus

I confirm that the wording for the planning condition is ok.

I am happy for you to subsume the requirement for consent under s23 of the Land Drainage Act into the main application and there is no need to apply separately.

Regards
Trevor

From: WALKER Angus [mailto:AngusWALKER@bdb-law.co.uk]
Sent: 11 May 2011 14:01
To: 'trevor@northeastlindsey-idb.org.uk'
Subject: Able Marine Energy Park

Trevor,

Thank you for your call this morning. The proposed application already incorporates some 'model' planning conditions and the one for surface water drainage is as follows. Are you happy with this wording or would you like to suggest changes? You might wish to swap the roles of yourselves and the local authority, but I don't know if they would agree to that. I think that Able would be neutral on which way round it was expressed.

No stage of the authorised development shall commence until for that stage, written details of the surface and foul water drainage system (including means of pollution control) have, after consultation with the relevant sewerage and drainage authority, been submitted to and approved by the relevant planning authority.

There was one other point that I wanted to raise with you and that was whether, with the safeguard along the lines of the above, you were content for us to subsume the requirement for consent under s23 of the Land Drainage Act into the main application rather than needing to apply for it separately to you. Please let me know if that would be acceptable.

Many thanks

Angus Walker
Partner, Government & Infrastructure
For and on behalf of Bircham Dyson Bell LLP
50 Broadway London SW1H 0BL
t +44 (0)20 7783 3441
f +44 (0)20 7233 1351
m +44 (0)7973 254187
www.bdb-law.co.uk

Bircham Dyson Bell

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