

LEADER'S DECISION RECORD

Decision of the Leader of the Council, Councillor Stephen Brady

Ref: SB/40/2011

Subject : Response to the Infrastructure Planning Commission in relation to the proposal for a Marine Energy Park (Able UK site).

Decision made:

That the City Planning Manager is authorised to send to the Infrastructure Planning Commission (IPC) the response as set out in Appendix A to consultation on development of a Marine Energy Park on the south bank of the Humber on land owned by Able UK.

This is a non-Key decision

Supporting information

Hull City Council has made responses at the pre-application stage to the proposal for this marine Energy Park. Cabinet on 23rd May 2011 (minute 4 refers) endorsed the response to this proposal which was followed up by a more detailed response following receipt of a letter from Able UK. Both responses are attached in Appendices B and C. At that Cabinet meeting it was agreed *"that any further representations the Council is required to make on this application are brought back to the Cabinet in future."* Unfortunately due to the time constraints imposed by the IPC it has not been possible to bring this further response back to Cabinet in time to meet response deadlines.

Following submission of an application to the Infrastructure Planning Commission, the IPC consults with neighbouring local authorities and other statutory bodies. The IPC only allows 14 days for this part of the consultation. As such, given the limited time the Council has to respond, it is impossible for officers to assess the application and any impact the application may have on the city, then draft a response and consult with Planning Committee on this before seeking Cabinet's endorsement of the response. The Council is required to reconfirm its position at this stage: the consultation does not raise any new substantive matters, so Appendix A develops the previous responses submitted in Appendix B and Appendix C and will form the Council's response.

Comments of the Head of Legal and Democratic Services (Monitoring Officer)

The Council is being consulted as part of the IPC application process by Able UK. There is no statutory requirement to provide a response; however to do so will protect the Council's position and ensure its views are represented before the IPC on what is a significant regional application.

The Leader may take this decision by virtue of powers contained in the Local Government Act 2000.

Comments of the Head of Corporate Planning and Finance

The s151 officer notes the content of the leaders decision record and has no specific comment to make at this time as there are presently no direct financial implications.

Comments of the Head of Human Resources

The Head of Human Resources has been consulted but has no comment to make as there are no

staffing implications identified in the decision record.
Decision made by the Leader of the Council, Councillor Stephen Brady Signed
Date of decision 21.12.2011
<i>The two boxes below are for completion by Members' Information Office and do not apply to Officer Non-key Decisions.</i>
Date of publication
Date decision comes into force (5 working days after publication if not called in by Overview and Scrutiny)

This form, together with supporting information, must be lodged immediately with the Members' Information Office.

Appendix A

**Planning application reference No. 00031525 – Further consultation from
Infrastructure Planning Commission
Under the Infrastructure Planning Regulations 2009 and planning act 2008.
For the development of a Marine Energy Park.
At Killingholme
Able Humber Port**

Background

Under the above legislation a Nationally Significant Infrastructure Project (NSIP), such as the Able Marine Energy Park, is subject to various rounds of consultation before being submitted to the IPC for determination. This 'front loaded' system is intended to ensure that these NSIP's have been designed and assessed taking into account the 'community' views. This application has been through various stages of consultation, listed below, and as now been submitted to the IPC.

IPC Pre-application Process

Stage	Comment
Consult the relevant local authority on what should be in the developer's Statement of Community Consultation (SOCC), which describes how they plan to consult the local community about their proposal	Hull City Council not consulted at this stage. Not considered an issue.
Have regard to the local authority's response to that consultation in preparing the SOCC	Hull City Council not consulted at this stage. Not considered an issue.
Publish the statement in a locally circulating newspaper and carry out consultation in accordance with the SOCC	Done.
Consult a range of statutory consultees Set a deadline of at least 28 days by which responses to consultation must be received	Hull City Council were consulted and commented, via the Cabinet of the 23 rd May, 2011. The 28 day deadline was for the 19 th March, 2011. The delay was caused by the need for a Cabinet decision; in any event Able had to extend their deadline until the 31 st May because of the need for additional consultations. The comment was therefore made in time.
Notify the IPC of the proposed application	Done.

Publicise the proposed application in accordance with regulations	Done.
Have regard to relevant responses to publicity and consultation	Able have stated within their Consultation Report that they have addressed the majority of the issues raised.
Prepare a consultation report and submit it to the IPC.	This is the subject of this note to support the Leader's Decision Record.

Next Stages

Stage	Comment
<p>Acceptance</p> <p>The acceptance stage begins the day after an application for development consent is received by the IPC. They have 28 days to decide whether or not to accept it, based upon a number of factors, including:</p> <ul style="list-style-type: none"> • whether they consider the public consultation has been adequate • whether the right environmental issues have been identified • whether the required amount and standard of information has been received. • If an application is accepted, it will move to the pre-examination stage. The developer is then required to notify the relevant parties of the accepted application and publicise the proposal widely. If, on the other hand, it is rejected the IPC must let the developer know this, providing reasons for the decision. 	<p>Yet to be determined by the IPC. The 28 day period expires on the 16th January, 2012. The Council have been given until the 4th January to provide comments to the IPC.</p>

Able have noted the comments of Hull City Council in their Consultation report. These comments are reported as "Employment opportunities welcomed; not satisfied over choice of main site or compensation site." Able's response is "Choice of sites is justified in the Habitats Regulations report, the Environmental Statement and the Statement of Reasons." Hull City Council have not had sight of these reports at this time, so is unable to ascertain whether significant justification has been provided.

It is for the IPC to determine whether to accept the application and identify whether the Consultation Report is acceptable and also to determine whether the required amount and standard of information has been received as well as whether the application details have been amended significantly in response to comments raised. It is considered that the above reported comments accurately reflects the views of Hull City Council and officers will make further comments through a Local Impact Report at the examination stage, if the application is accepted.

Recommendation

The IPC be notified that Hull City Council consider the Consultation Report contains an adequate summary of Council's comments and the Council look forward to being able to assess and comment on the full details of the application if accepted.

Signed
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Councillor Brady
Leader of Hull City Council