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David Hickling
Hickling-Gray Associates
By email only

Our Ref: TR030001
Date: 09 January 2013

Dear Mr Hickling

APPLICATION FOR THE PROPOSED ABLE MARINE ENERGY PARK BY ABLE HUMBER PORTS LTD

APPLICATION UNDER SECTION 95(4) OF THE PLANNING ACT 2008 FOR A PARTIAL AWARD OF COSTS

I refer to your letter dated 12 December 2012 seeking an application for partial award of costs on behalf of Mr Stephen Kirkwood against Able Humber Ports Ltd.

The policy applying to award of costs to parties involved in examination of applications under the Planning Act 2008 (as amended) is the IPC Policy on the award of costs in relation to examinations of nationally significant infrastructure projects [Award of Costs Policy](#). Paragraph A34 of this policy provides that a costs application must be received "within 14 days of the date of the notification pursuant to Section 99". In relation to the Able Marine Energy Park application the [Section 99 letter](#) was dated Tuesday 27 November 2012 and the costs application was dated Wednesday 12 December 2012 (received by email on the 11 December 2012). In accordance with the IPC Policy, the costs application should have been received by the Planning Inspectorate by 10 December 2012 (being 14 days starting from and including 27 of November). If the Panel are to exercise discretion under paragraph A35 of the policy to entertain an application received after 10 December 2012, the party making an application has to show "good reason for not having complied with the time limit for submission".

The purpose for writing this letter is therefore to seek reason or reasons as to why the costs application was not sent to the Planning Inspectorate until after 10 December 2012.

A decision will then be made on whether or not the Examining Authority should entertain this costs application. If it is determined to proceed to consider your application, the party against whom the claim for a partial award of costs is made will be invited to comment on your letter dated 12 December 2012. That letter, any submissions received and the Examining Authority's decision or decisions in relation to the costs application will be made available on the [Able Marine Energy Park](#) page of the Planning Portal website.

Yours sincerely

Simon Gibbs

Simon Gibbs
Member of the Panel of Examining Inspectors

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

