

Mr Richard Cram  
Able Humber Ports Ltd  
Able House  
Billingham Reach Industrial Estate  
Billingham  
Teesside  
TS23 1PX

12 January 2012

Dear Mr Cram

**Planning Act 2008 (“2008 Act”) section 55 (Acceptance Stage)**

**Application by Able Humber Ports Ltd (“the developer”) for a Development Consent Order for the proposed Able Marine Energy Park (“the development”)**

**Notification of decision to accept application under section 55 of the 2008 Act**

**IPC Reference: TR030001**

We refer to your application represented to be an application for an order granting development consent made under s.37(2) of the 2008 Act and received by the Commission on 19 December 2011.

The Commission has concluded that the provisions in s.55(3)(a) to (e) inclusive have been satisfied. In respect of the conclusion reached under s.55(3)(e) the Commission has had regard to the matters set out in s.55(4). The Commission is therefore of the view that it can accept the application for examination.

You should be aware that this decision to accept the application does not incorporate a decision on whether all of the development for which authorisation is sought falls within s.115 of the 2008 Act.

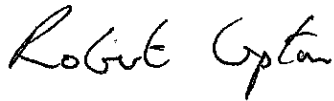
You should also be aware that our decision to accept the application in accordance with s.55 of the 2008 Act does not fetter the competent authority’s subsequent consideration of likely significant effects. If the Examining Authority is unable to conclude any necessary ‘appropriate assessment’ prior to making a recommendation it would be required to conclude that the competent authority under the Conservation of Habitats and Species Regulations 2010<sup>1</sup> should refuse to authorise the project.

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<sup>1</sup> These regulations transpose Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora.

Please be aware of your duties under s.56, s.58 and s.59 of the 2008 Act, Regulations 8, 9 and 10 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and Regulations 13 and 14 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

Yours sincerely,



**Robert Upton CBE**  
**Deputy Chair and Commissioner**  
**on behalf of the Commission**



**Peter Widd**  
**Commissioner**

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Cc Angus Walker, Bircham Dyson Bell