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Your Ref:

Our Ref: TR030001

Date: 09 October 2012

Dear Sir/Madam

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

**SUPPLEMENTARY INFORMATION FOR AFFECTED PERSONS, AS DEFINED IN S.92
(5) OF THE PLANNING ACT 2008 (THE PLANNING ACT) REGARDING COMPULSORY
ACQUISITION HEARINGS TO BE HELD ON TUESDAY 16, WEDNESDAY 17 AND
THURSDAY 18 OCTOBER 2012**

I am writing to you further to my letter of 4 October 2012.

You will be aware that the consideration of compulsory acquisition in this case in accordance with the Planning Act requires: –

(a) The examination by the Panel of the application of the appropriate tests in Part 7 Chapter 1 of the Planning Act, particularly s.122.

(b) The examination by me as the appointed person of whether or not a recommendation to the appropriate Secretary of State can be made, that the Secretary of State should issue a certificate under s.127 so that compulsory acquisition can be authorised; in the case of land used for the purposes of a statutory undertaker's undertaking or where an interest in land is held for those purposes.

The Annex to this letter shows the Examining Authority's current understanding as to the plots which are still proposed for acquisition and in which of those plots statutory undertakers hold interests.

The identification of those plots does not mean that the applicant has made an application under s.127 for the appropriate certificate. At present the applicant has applied for a s.127 certificate only in respect of Associated British Ports and Network Rail (not E.ON, as my previous letter stated).

To ensure that the examination covers properly the statutory tests that must be met, the Panel now proposes that the hearings on 16, 17 and 18 October should: –

(a) Still follow the running order set out in my letter of 4 October, thus starting with the plots where there are particular issues already identified.

(b) Deal with any point particularly relating to s.127 for any plot by adjourning the hearing to allow the s.127 point to be addressed separately.

(c) Confirm that the analysis in the Annex is correct and that all the points relating to s.122 or s.127 have been identified and addressed for all plots.

This should ensure the most efficient use of time in a process that covers all the ground, but only once.

Yours faithfully

Robert Upton

Lead member of the Panel

Person appointed by the Secretaries of State for Transport and for Energy and Climate Change to consider s.127

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.

Annex

AMEP land proposed for compulsory acquisition as Of October 2012

Plots shown in **bold** are those which the Examining authority understands to have been withdrawn or modified as compulsory acquisition requirements.

Plots shown in *italics* are those in which the Examining authority understands statutory undertakers to have an interest.

Quay:

08001 (part), 09001 (part).

On-site manufacturing and storage:

03003 (part), 03004 (part), 03005 – 8, 03009, 03010, 03011 - 12, 03016, 03017, 03018, 03019, 03020, 03021, 03022 - 23, 04002, 04003, 04005, 04006, 04007, 04008, 04009, 04010 – 11, 04012, 04013, 04014, 04015, 04016, 04017, 04018, 04019 - 20, 04021, 04022, 04023, 04024, 04026, 04027, 04028, 04029, 04030, – 04032, 05002, 05003, 05004, 05005, 05006, 05007¹⁴, 05016, 05017-18, 05019, 05020, 05021, 05022, 05023, 05024, 05029 – 32, 05033 – 5, 05036-41, 05042, 08001¹ (part), 09001² (part).

(Sites shown in bold sold to applicant by Total UK Ltd in January 2012 – R2Q58).

Environmental mitigation:

02002, 02003 – 02007, 03002-03004 (part), 05044, 06006

(02002 to be sold to applicant by EA; 02003-7, 03002-4 sold to applicant by Total UK Ltd - R2Q58).

Residential properties to remain unoccupied:

03012, 03024, 03025.

(03012 sale agreed with Mr Lee Savill).

Highway and sewage works:

01001, 01002, 01003, 02001, 03001, 04001, 05001, 06001, 06002, 06003, 06004.

Flood defence works:

02009, 02010, 02011, 02012, 02013, 03026, 03027.

Railway:

02008, 03013, 03014, 03015, 04004, 04014, 04025, 05023, 05024, 05025, 05026, 05027, 05028³, 07001.

(02008 and 03015 no longer sought – available for ABP Headshunt to serve HIT3 - R2Q58).

Capital dredging:

08001 (part) and 09001 (part)

Compensation site:

¹ 08001 reduced in size – R2Q58

² 09001 reduced in size – R2Q58

³ Owned by E.ON – all other 'railway' land owned by Network Rail

10001 – 10006, 10007, **11001 – 11003**, 11004, **12001 –03**, 12004, **12005 - 07**,
13001 – 13003, 14001 – 14009.

(Plots shown in bold to be acquired from The Crown Estate - R2Q58).