



Department for Transport

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For the attention of: Brian Greenwood

By e-mail and post

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27 November 2012

Dear Sirs,

PLANNING ACT 2008: PROPOSED ABLE MARINE ENERGY PARK

I refer to your letter of 20 November 2012 to the Secretary of State for Transport in which you requested on behalf of your client Associated British Ports an 18 month extension under section 98(4) of the Planning Act 2008 of the deadline for completion of the examination of the development consent application for the above project.

We have considered carefully your request and the response of Able Humber Ports Limited in the letter from Bircham Dyson Bell of 22 November 2012.

Under the Planning Act 2008 it is the responsibility of the Examining Authority appointed by the Planning Inspectorate to gather, through the examination process, the information necessary for it to make a recommendation to the Secretary of State, who is responsible for deciding the development consent application. We have therefore consulted the Planning Inspectorate and the Examining Authority and have taken into account their views in coming to a decision on your request.

We have noted in particular the opinion of the Examining Authority that by the end of the 6 month period prescribed in section 98(1) of the Planning Act 2008 it would have adequate information on which to make a recommendation to the Secretary of State on the application for development consent. The Examining Authority has advised also that it has taken account of representations from interested parties about their need to consider supplementary information submitted during the course of the examination, and has adjusted the timetabling of hearings accordingly to allow for the supplementary information to be tested.

We consider that most of the activities which your client proposes should be carried out in the 18 month extension period, such as a fresh consultation, are not examination activities and that your client has not identified in its request a list of examination activities for which sufficient time has not been made available during the statutory examination period. We note also that the applicant, Able Humber Ports Limited, has not requested any further time to submit more information or clarification of its proposals.

We have concluded on the basis of the information available to us in respect of this matter that you have not shown proper justification for your request for extra time for the examination of the development consent application for the above project. As such the Secretary of State has decided to refuse your request for an 18 month extension of the examination period.

I am sending copies of this letter (by e-mail only) to the Planning Inspectorate and to Able Humber Ports Limited.

Yours faithfully,

Martin Woods