



Department for Transport

Angus Walker
BDP Pitmans LLP

Matthew Muldoon
Transport Infrastructure Planning Unit
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR
Direct line: [REDACTED]

Email: transportinfrastructure@dft.gov.uk
Web Site: www.dft.gov.uk

10 November 2023

Dear Angus,

Able Marine Energy Park Development Consent Order

Proposed application under Article 7 for extension of time for completion of the works

Thank you for your email of 11 October 2023 enclosing a request made under Article 7 of the Able Marine Energy Park Development Consent Order for a 7-year extension to the completion deadline for the authorised development, and associated documents.

In the absence of a statutory process to deal with such a request, the Secretary of State will apply a procedure similar to that for non-material changes to development consent orders under the Infrastructure Planning (Changes to and Revocation of, Development Consent Orders) Regulations 2011 (“the 2011 Regulations”). In particular, he requests that similar publicity and consultation to that required by Regulation 6 of the 2011 Regulations on publicity and Regulation 7 of the 2011 Regulations on consultation are carried out.

However, for the avoidance of doubt, the Secretary of State will not be assessing the materiality of your requested change or charge a fee for the processing of it as he normally would under the non-material change procedure.

The Secretary of State considers that the extension of the completion deadline may be of interest to all the parties to the original application, and therefore asks that you consult all parties on this proposed change. The Planning Inspectorate will require an up-to-date consultee list and the Secretary of State requests that you liaise with it directly on the form in which they require your consultee list and the contact details that should be included.

The Secretary of State notes that in the documents submitted in support of your request, in respect of the Habitats Regulation Assessment (“HRA”) you state that *"in July 2022 the Secretary of State (SoS) undertook a new HRA before granting the material change application. The SoS may wish to review that HRA, although it is only 15 months old and there are no significant changes to the environmental information, no alternative solutions and no change in the IROPI case"*. The Secretary of State notes your position but would take this opportunity, before consultation commences, to invite you to consider whether there is any other information you wish to submit which would support a review of the HRA should the Secretary of State consider it necessary to undertake one.

If you have any questions, please don't hesitate to contact me.

Yours sincerely,

Matthew Muldoon
Transport Infrastructure Planning Unit