

The Secretary of State for Transport  
c/o Natasha Kopala  
Head of Transport Infrastructure Planning Unit  
Transport Infrastructure Planning Unit  
Department for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Our Ref  
JBP/124645.0014  
Date  
25 November 2020

By Email

██████████@dft.gov.uk

Dear Sir

**Able Marine Energy Park Development Consent Order 2014**

We act for Able Humber Ports Ltd (“**Able**”). Able was granted the Able Marine Energy Park Development Consent Order 2014 - S.I. 2014 No. 2935 in January 2014 (the “**DCO**”).

Able is intending to seek consent from the Secretary of State to make a material change to the DCO. The proposed material change consists of an amendment to article 33 of the DCO to extend the time limit for the exercise of authority to acquire land compulsorily over a single parcel of land.

Due to the nature of the change proposed and the very limited number of persons or authorities which would be affected by it, the Applicant considers that it would be reasonable and proportionate to:

- (1) reduce the list of parties required to be consulted on the application under regulation 10 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (SI 2011/2055) (as amended) (‘the **2011 Regulations**’); and
- (2) reduce the list of parties required to be notified of the application under regulation 19 of the 2011 Regulations.

In accordance with Regulation 10 of the 2011 Regulations, Able must consult specified persons and authorities about its material change application. Regulation 10(2) states that the applicant (in this instance Able) need not consult a specified person or authority if they have obtained the written consent of the Secretary of State.

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Regulation 19 of the 2011 Regulations requires Able to give notice of a material change application to specified persons and authorities. Regulation 19(3) states that the applicant need not notify a specified person or authority if they have obtained the written consent of the Secretary of State.

We are therefore writing to you to request, in accordance with your powers under Regulations 10(2) and 19(3) that consultation and notification requirements in relation to the proposed material change application be reduced to the two parties with an interest in the affected parcel of land. This would permit the proposed application to be brought forward efficiently and expeditiously, while ensuring that those persons affected by the proposed material change are consulted and notified appropriately.

### **Material Change**

The proposed change relates to the an amendment to article 33 of the DCO to extend the time limit for the exercise of authority to acquire land compulsorily over parcel number 03023 in the book of reference for the DCO ('the **Parcel**').

### **Reason for the Material Change**

Associated British Ports ('**ABP**') registered a possessory claim to the Parcel in 2011 although this was not recorded as such in the book of reference. The Applicant did not acquire ABP's interest in the Parcel and the Applicant's compulsory acquisition powers under the DCO expired on 13 January 2019. The proposed amendment would enable the Applicant to acquire ABP's interest in the Parcel so that the Able Marine Energy Park ('**AMEP**') can be constructed. The public interest in AMEP being constructed remains, and indeed is stronger now than it was when the DCO was made, given increased government support for offshore electricity generation.

### **Consultation on Material Change**

Able requests that the Secretary of State give consent under Regulation 10(2) of the 2011 Regulations such that Able is required to consult only those persons with an interest in the Parcel, detailed in the list at Appendix A to this letter. This list was compiled based on the book of reference for the DCO (the relevant extract of which is at Appendix B to this letter), together with a land registry search submitted on 5 November 2020. Able notes that, although Danny Revill is recorded in the book of reference as having an interest in the Parcel, this interest has now been acquired by Able.

Able makes this request on the basis that the nature of the proposed change means that its effect will be limited to those persons and authorities, and it would be disproportionate in the circumstances to consult all of the persons and authorities specified in Regulation 10(1). Able would note that the public and others who will not be consulted under Regulation 10 of the 2011 Regulations will still be able to make representations because of the publicising requirements under Regulation 14 of the 2011 Regulations and the opportunities to respond which that affords.

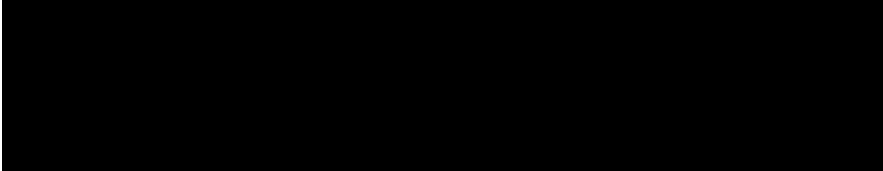
### **Notification of Application for Material Change**

Able also suggests that it would be disproportionate in the circumstances to notify all the persons and authorities specified in regulation 19 (1) of the application being made. Able requests that the Secretary of State give consent under Regulation 19(3) of the 2011 Regulations such that Able is required to notify



of the application being made only those persons with an interest in the Parcel (i.e. the same list as for consultation), detailed in the list at Appendix A to this letter.

Yours faithfully



**BDB Pitmans LLP**

cc AbleMarineEnergyPark@planninginspectorate.gov.uk

enc Appendix A: Proposed list of persons to be consulted and notified  
Appendix B: Extract from book of reference

## **APPENDIX A**

### **PROPOSED LIST FOR CONSULTATION AND NOTIFICATION**

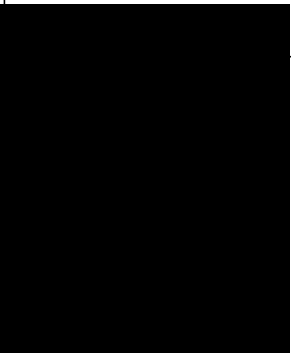
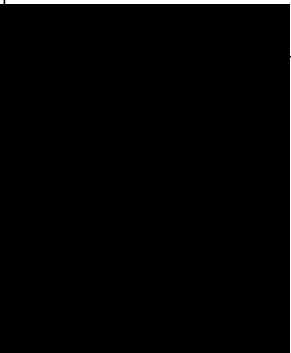
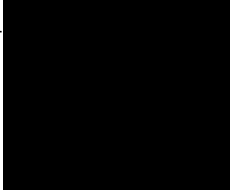
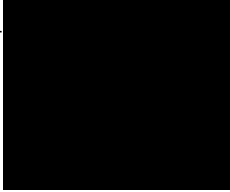
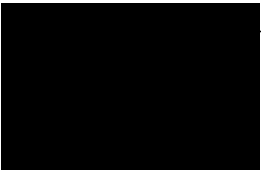
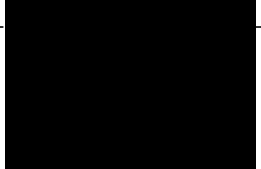
#### **Persons with an interest in parcel number 03023**

##### **Category 1**

- Associated British Ports (as freeholder to parcel HS363120)
- North Lincolnshire Borough Council (in respect of a public footpath)

##### **Categories 2 & 3**

- The Environment Agency

Number on Plan	Description of Land	Category 1 <sup>1</sup> owners	Category 2 <sup>2</sup> owners
03020	All interests in 47886.48 square metres of land comprising trees, shrubbery, hedgerows, grassland (Killingholme Marshes), drains and beds thereof, Killingholme Marshes, South Killingholme, Immingham.	Associated British Ports Aldwych House 71- 91 Aldwych London WC2B 4HN	
03021	All interests in 1441.97 square metres of land comprising private access road (Station Road), verges and hardstanding, to the south of Killingholme Marshes, South Killingholme, Immingham.	Associated British Ports Aldwych House 71- 91 Aldwych London WC2B 4HN	
03022	All interests in 1495.09 square metres of land comprising grassland to the west east of Killingholme Marshes, South Killingholme, and Immingham.	Unknown	
03023	All interests in 4200.45 square metres of land comprising public footpath (FP 50), sloping masonry and river wall, private road (Station Road), hardstanding, drain and bed thereof, to the east of Killingholme Marshes, South Killingholme, Immingham.	North Lincolnshire Council (in respect of public footpath) Pittwood House Ashby Road Scunthorpe North Lincolnshire DN16 1AB	
03024	All interests in 1200.02 square metres of land comprising lighthouse (Killingholme North Low Lighthouse), trees, shrubbery, grassland and premises, Station Road, South Killingholme, Immingham.		Alliance & Leicester plc Carlton Park Narborough Leicester LE19 0AL
03025	All interests in 986.07 square metres of land comprising residential premises (The Lookout), garages, trees, shrubbery and grassland, Station Road, South Killingholme, Immingham.		
03026	A right to occupy 512.70 square metres of land comprising private trackway for access to Killingholme High Lighthouse, to the south of Killingholme Marshes, South Killingholme, Immingham.	Unknown	

1. A person is within Category 1 if the applicant, after making diligent inquiry knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land; see section 57 (1) of the Planning Act 2008.  
 2. A person is within Category 2 if the applicant, after making diligent inquiry knows that the person-

- (a) is interested in the land
- (b) has power-
  - (i) to sell or convey the land
  - (ii) to release the land; see section 57 (2) of the Planning Act 2008