



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Customer
Services: 0303 444 5000
e-mail: AbleMarineEnergyPark@planninginspectorate.gov.uk

To Interested Parties, Statutory Parties
and Other Persons invited to the
Preliminary Meeting

Your Ref:

Our Ref: TR030006

Date: 23 November 2021

Dear Sir/ Madam

Planning Act 2008 (as amended) and the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 – Regulation 29 and 30

Application by Able Humber Ports Ltd for a Material Change to the Able Marine Energy Park Development Consent Order 2014

Notification of Procedural Decisions, Examination Timetable and procedure

This letter provides you with the Examination Timetable and other important information about the Examination.

All documentation associated with this project, including a note of the Preliminary Meeting and the audio recording taken at that meeting, can be found using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/able-marine-energy-park-material-change-2/?ipcsection=docs>

The Examination Timetable

I have made a Procedural Decision about the way the application will be examined. The final Examination Timetable is attached at **Annex A**.

The Examination Timetable replaces the draft timetable that was included in the Regulation 27 and 28 letter dated 19 October 2021¹. In finalising the Examination Timetable, I have sought to accommodate any requests and suggestions made at the Preliminary Meeting.

Please note that the Examination Timetable contains a number of deadlines for receipt of information by the Planning Inspectorate. All deadlines are at 23:59 on the date

¹ Your invitation to the Preliminary Meeting

specified. Please ensure submissions arrive by the deadline. If you do not make your submissions by the dates specified in the timetable, I may disregard them.

A 'Make a Submission' tab will be available on the project page of the National Infrastructure Planning website which provides a portal through which parties will be able to make written submissions at relevant Deadlines during the Examination. Further information about the 'Make a Submission' portal is provided at Annex E to this letter.

If I consider it necessary to vary the Examination Timetable during the Examination, notification will be sent to all interested parties and any other person I chose to invite to the Preliminary Meeting². The changes will be published on the Able Marine Energy Park Material Change 2 project page of the National Infrastructure Planning website.

Other Procedural Decisions

Annex B contains important details and clarifications about my other Procedural Decisions made at, or following, the Preliminary Meeting. These include:

- That all interested parties have until Deadline 1 (14 December 2021) to comment on the submitted plans in case any confusion was caused by the Planning Inspectorate inadvertently publishing and subsequently withdrawing earlier (and now superseded) versions of the plans;
- That Associated British Ports in its statutory role as Harbour Authority is an Interested Party and that Associated British Ports in its role as commercial operator will be treated as if it were an Interested Party; and
- The Applicant had notified the Planning Inspectorate that it wished to submit plans with alternative construction methods. The ExB confirmed that a Procedural Decision on whether to accept the change to the application would be made when the Applicant's assessment of whether the change would have any significant environmental effects is available and has been considered. This has now been received and the ExB confirms that the change is accepted.

Written Representations

All Interested Parties are now invited to submit Written Representations and any comments on the Relevant Representations already submitted. These should be submitted by Deadline 1 in the Examination Timetable (**Annex A**).

Written Representations can cover any relevant matter and are not restricted to the matters set out in my Initial Assessment of Principal Issues discussed at the Preliminary Meeting and included in my Regulation 27 and 28 letter³. Nor are they restricted to the content of my Written Questions (see next heading, below).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with

² Regulation 30 (3) of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011

³ <http://infrastructure.planninginspectorate.gov.uk/document/TR030006-000268>

which they do not agree, explaining the reasons why⁴. Interested Parties should also provide with their Written Representations “*the data, methodology and assumptions used to support their submissions*”⁵.

Further written submissions may be requested by the ExB at various points in the Examination.

Any Written Representations, and any further written submissions requested by the ExB in the course of the Examination which exceed 1500 words should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

ExB’s Written Questions

I have compiled Written Questions (ExQ1) about the application and the representations received so far. These questions are published on the National Infrastructure Planning website and can be accessed through the following link:

<http://infrastructure.planninginspectorate.gov.uk/document/TR030006-000283>

Answers to my ExQ1 must be provided by Deadline 1 in the Examination Timetable (**Annex A**).

If you require a hard copy of my Written Questions, please contact the Case Team who will send you a copy.

Hearings

The Examination Timetable at **Annex A** includes periods of time reserved for any hearings to be held, and I will notify all Interested Parties of any hearings scheduled as part of the Examination at least 21 days in advance of them taking place. That notification will include an additional deadline for Interested Parties to inform the Planning Inspectorate if they wish to attend the notified hearing(s).

Annex C provides details about what Interested Parties should include in a request to be heard at a hearing, and the procedure that will be followed at hearings.

Accompanied Site Inspection

The Accompanied Site Inspection is scheduled to take place on 10 February 2022. The Examination Timetable includes dates for submission of suggested locations (and justification for those) from Interested Parties at Deadline 1 (14 December 2021) and the Applicant’s draft itinerary at Deadline 2 (6 January 2022).

⁴ Required under Regulation 31(6) of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011

⁵ <https://www.gov.uk/government/publications/planning-act-2008-examination-of-applications-for-development-consent>

Availability of application documents and representations submitted to the Examination

All documentation and recordings associated with the examination of this application can be found using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/able-marine-energy-park-material-change-2/?ipcsection=docs>

Annex D provides details of the location in the vicinity of the Proposed Development at which all Examination documents can be viewed electronically, free of charge.

Advice to Interested Parties about how to access and navigate the Examination Library is also provided at **Annex D**.

Your status in the Examination

You have received this letter because you fall within one of the groups described in this FAQ document: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2019/02/Status-faq.pdf>

If your reference number begins with 'ABMC2', 'ABMC2-R', 'ABMC2-APP' you are in Group A. If your reference number begins with 'ABMC2-SP' you are in Group B. If your reference number begins with 'ABMC2-OP' you are in Group C.

If having read the FAQ document published at the link above you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

Award of costs

You should be aware of the possibility of the award of costs against parties who behave unreasonably.

To assist understanding of what 'unreasonable behaviour' means in the context of an Examination under the PA2008, you may find it helpful to read the government guidance 'Awards of costs: examinations of applications for development consent orders' (July 2013)⁶. It is in everyone's interest that information is brought forward as early as possible in the examination process, so you are encouraged to do so.

Management of information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the ExB) and a record of any advice which has been provided, is published at:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/able-marine-energy-park-material-change-2/>

⁶ <https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

Please note that in the interest of facilitating an effective and fair examination, we consider it necessary to publish some personal information. To find out how we handle your personal information, please view our Privacy Notice.

I look forward to working with all parties in the examination of this application.

Yours faithfully

Alan Novitzky

Examining Body

Annexes

- A** Examination Timetable
- B** Examining Body's First Written Questions and Statements of Common Ground
- C** Request to appear and procedure to be followed at hearings
- D** Availability of representations and application documents
- E** Electronic "Make a submission" Portal

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Examination Timetable

The Examining Body (ExB) is under a duty to complete the examination of the application by the end of the period of four months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due Dates
1.	Preliminary Meeting	16 November 2021
2.	Publication by the ExB of: The ExB's Written Questions (ExQ1)	19 November 2021
3.	Issue by the ExB of: <ul style="list-style-type: none"> • The Examination Timetable 	23 November 2021
4.	<p>Deadline 1</p> <p>For receipt by the ExB of:</p> <ul style="list-style-type: none"> • Responses to ExQ1 • Comments on any updates to Application documents submitted by the Applicant before the PM • Comments on Relevant Representations (RR) • Written Representations (WRs) • Summaries of any WRs and RR exceeding 1500 words • Applicant's revised draft Amendment Order (DAO) to be submitted in an editable format with any revisions made to the preceding version shown using track changes (if required) • Revised Protective Provisions • Draft SoCGs • Notification by Statutory Parties of wish to be considered as Interested Parties (IP) by the ExB • Submission by IPs of suggested locations and justifications for an Accompanied Site Inspection (ASI) • Notification of requests to be present at the ASI • Notification of wish to speak at any future Issue Specific Hearings (ISH) • Notification of wish to speak at an Open Floor Hearing (OFH) • Responses to any further information requested by the ExB • Any requests from the ExB for further written information (if required) 	14 December 2021

5.	Deadline 2 For receipt by the ExB of: <ul style="list-style-type: none"> • Applicant's draft ASI itinerary 	6 January 2022
6.	Dates reserved for ISHs and OFHs (if required)	11 to 14 January 2022
7.	Deadline 3 For receipt by the ExB of: <ul style="list-style-type: none"> • Comments on WRs and responses to comments on RRs • Post Hearing submissions, including written submissions of oral cases • Comments on any amendments made to the DAO by the Applicant at Deadline 1 (if required) • Updated SoCGs • Responses to any further information requested by the ExB • Any requests from the ExB for further information (if required) 	18 January 2022
8.	Publication by the ExB of: <ul style="list-style-type: none"> • ExB's further written questions (ExQ2) (if required) 	1 February 2022
9.	Date reserved for Accompanied Site Inspection (ASI)	10 February 2022
10.	Deadline 4 For receipt by the ExB of: <ul style="list-style-type: none"> • Responses to ExQ2 (if issued) • Applicant's revised DAO to be submitted in an editable format with any revisions to the preceding version shown using tracked changes (if required) • Updated SoCGs • Comments on any additional information/submissions received • Any further written information requested by the ExB 	15 February 2022
11.	Publication by the ExB of: <ul style="list-style-type: none"> • The Report on the Implications for European Sites (RIES) 	22 February 2022
12.	Dates reserved for ISHs and OFHs (if required)	22 and 23 February 2022

13.	Alternative date for ASI (if required)	24 February 2022
14.	<p>Deadline 5</p> <p>For receipt by the ExB of:</p> <ul style="list-style-type: none"> • Post-Hearing submissions, including written submissions of oral cases (if required) • Final DAO to be submitted by the Applicant in the SI template with the SI validation report • Final Explanatory Memorandum • Final SocGs • Any further written information requested by the ExB • Comments on any additional information or submissions received at Deadline 3 	8 March 2022
15.	<p>Deadline 6</p> <p>Deadline for the receipt by the ExB of:</p> <ul style="list-style-type: none"> • Comments on any additional information/submissions received at Deadline 4 • Comments on the RIES 	15 March 2022
16.	The ExB is under a duty to complete the Examination of the application by the end of the period of 4 months	16 March 2022

Publication dates

All information received will be published on the project page of the National Infrastructure Planning website as soon as practicable after each deadline for submissions.

Hearing agendas

We will aim to publish a draft agenda for each hearing on the project page of the National Infrastructure Planning website at least five working days in advance of the hearing date. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExB.

Report on the Implications for European Sites

Where the Applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the DAO application, the ExB may decide to issue a Report on the Implication for European Sites (RIES) during the Examination. The RIES is a factual account of the information and evidence provided to the ExB on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as

competent authority, to undertake its HRA. It is not the ExB's opinion on HRA matters. Comments on the RIES will be invited by the ExB and any received will be taken into account as part of the ExB's Recommendation to the relevant Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of the Habitats Regulations¹ and/ or Regulation 28 of the Offshore Marine Regulations.

¹ The Conservation of Habitats and Species Regulations 2017

1. Examining Body's Written Questions (ExQ)

My first Written Questions (ExQ1) were published on the project website on 19th November 2021.

<http://infrastructure.planninginspectorate.gov.uk/document/TR030006-000283>

Some of my Written Questions (ExQ1) are directed to specific Statutory Parties which have not, at the time of writing, confirmed that they wish to become Interested Parties for the purposes of the examination of the application.

All relevant Statutory Parties will receive this correspondence and I request that each check my ExQ1 carefully to identify and respond to any questions posed to them. No party should feel inhibited or restricted in responding to any question I ask, even if it is directed elsewhere.

For the avoidance of doubt, Statutory Parties are defined as the parties listed in Schedule 1 to The Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015¹.

2. Statements of Common Ground (SoCGs)

The Applicant is taking the lead in the preparation of SoCGs and it will aid the smooth running of the Examination if all Interested Parties who are participating in the preparation of SoCGs liaise and co-operate with the Applicant in respect of their production. Final signed versions of the SoCGs listed below are requested to be submitted by 8 March 2022 (Deadline 5, **Annex A**).

1. C.RO Ports Killingholme Ltd.
2. C.GEN Killingholme Ltd.
3. Marine Management Organisation
4. Natural England
5. Environment Agency
6. North East Lindsey Drainage Board
7. North Lincolnshire Council
8. Association of British Ports (as both Harbour Authority and commercial port operator).

All of the SoCGs listed above should cover the Articles and Requirements in the draft DCO Amendment Order. Any Interested Party seeking to reword an article or requirement should provide the form of words being sought in the SoCG.

Where a particular SoCGs cannot be agreed between the parties by Deadline 5, or if any local authority position represents an officer level view only, then final draft versions of that SoCGs should be submitted **by the Applicant** at Deadline 5. The position of the relevant Interested Parties should already have been confirmed in the course of the Examination.

¹ <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/legislation/>

The content of SoCGs is necessary to help inform me as to the need to hold any Issue Specific Hearings in January 2022, and to enable me and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

Requests to appear and procedure to be followed at hearings

Requests to appear at hearings

Interested Parties are required to notify the Examining Body (ExB) in writing of their wish to take part in an Open Floor Hearing (OFH). I remind Interested Parties of the Procedural Decision issued with the Regulation 27 and 28 letter requesting notification from Interested Parties in this regard on or before 14 December 2021 (Deadline 1, **Annex A**).

If no written requests to take part in an OFH are received by the above deadline, I am not required to hold such a hearing; although I may choose to do so nonetheless.

I may also choose to hold Issue Specific Hearings (ISH) about topics that I think need to be explored orally.

The time, date and place of any confirmed hearing will be notified in writing to all Interested Parties, providing at least 21 days' notice.

If an Interested Party wishes to attend an OFH or ISH they should indicate which topics in their Relevant Representation or Written Representation they wish to address at the hearing.

Notifications from Interested Parties in respect of the above should be sent separately from any other written submission, and appropriately titled to allow us to quickly identify which event the notification relates to.

Procedure at hearings

The procedure to be followed at hearings is set out in The Infrastructure Planning (Changes to, and revocation of, Development Consent Orders) Regulations 2011¹. Any oral representations must be based on either the Relevant Representation or Written Representation made by the person by whom, or on whose behalf, the oral representations are made.

The ExB is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties². My examination will be principally undertaken through the exchange of written submissions, and we will decide whether a hearing on a particular issue or topic is necessary. This decision is not connected to how relevant or important I consider an issue or topic to be.

Hearing agendas

I will aim to publish a draft agenda for each hearing on the project page of the National Infrastructure Planning website at least five working days in advance of

¹ Regulation 37

² Rule 37 (5)

the hearing date. The actual agenda on the day of each hearing may be subject to change at the discretion of the ExB.

Availability of representations and application documents

All application documents and representations submitted to the Examination are available to view on the project page on the National Infrastructure Planning website:

<http://infrastructure.planninginspectorate.gov.uk/document/TR030006-000234>

For ease of navigation, we recommend that you use the Examination Library (EL) which is accessible via a blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records:

- each application document;
- each representation accepted to be read in conjunction with the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is provided with a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the National Infrastructure Planning website is provided. **Please use the unique reference numbers applied in the EL when referring to any Examination documents in representations that you make.**

Electronic deposit locations

Documents can be viewed electronically, free of charge (for the first half an hour, then 50p per 30 minutes), at the electronic deposit location listed in the table below. Please note that you will need to bring a form of identification and register as a library member in order to use a computer at these locations.

The opening hours and availability of information technology set out in the table below may be subject to changes or limitations to address public health requirements as a result of Coronavirus (COVID-19). Bearing in mind the availability of the documents on the National Infrastructure Planning website and the effect of public health restrictions, please consider your need to attend these locations with care. Please check the current circumstances with the relevant locations before you attend.

Annex D

Local authority	Venue/address	Opening hours
Immingham Library	Immingham Library, Pelham Road, Immingham, DN40 1QF	Monday: 9am to 5pm, Tuesday: 9am to 5pm, Wednesday: 9am to 5pm Thursday: 9am to 5pm Friday: 9am to 5pm Saturday: 9am to 1pm Sunday: Closed
Printing Costs	Black and white	Colour
A4	Single-sided: 20p	Single-sided: 50p
A3	Single-sided: £1.00	Single-sided: £1.50

Electronic “Make a submission” Portal

The Planning Inspectorate will be using an electronic portal, which parties will be able to use to make their written submissions at the relevant deadline.

A “Make a submission” tab will become available on the National Infrastructure website. The portal operates on a system where submissions are separated in accordance with the deadline submissions type requested (see the Examination Timetable at Annex A). Please ensure documents are submitted respective to the associated deadline and are the relevant document submission types. Where this is not possible, please use the ‘Other’ drop down option.

The National Infrastructure Planning website is at:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/able-marine-energy-park-material-change-2/>

Interested Parties will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB. Providing links to websites where your submissions can be viewed is not acceptable. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

The Planning Inspectorate encourages everyone in the first instance to use the “Make a submission” portal to make your submissions. However, if necessary, Interested Parties will be able to send electronic copies of their submission via email to the project mailbox, AbleMarineEnergyPark@planninginspectorate.gov.uk , on or before the applicable deadline.

If you experience any issues when using this portal, please contact a member of the Case Team to assist. The Planning Inspectorate will be monitoring the use of the portal.

Any feedback is much appreciated and will help the Planning Inspectorate to identify and prioritise future service enhancements for its customers.