



## **Able Marine Energy Park**

### *Material Change 2*

## **Statement of Common Ground with Associated British Ports**

**ABLE MARINE ENERGY PARK DCO 2014**

**MATERIAL CHANGE 2**

**Planning Inspectorate Reference: TR030006**

**Statement of Common Ground**

**Between**

**ABLE HUMBER PORTS LIMITED**

**and**

**ASSOCIATED BRITISH PORTS HUMBER ESTUARY SERVICES**

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## 1 Introduction and Purpose

### 1.1 Purpose of Statement of Common Ground

1.1.1 This Statement of Common Ground ('SoCG') is between Able Humber Ports Limited ('the Applicant') and Associated British Ports Humber Estuary Services ('ABP HES') in relation to an application ('the Application') for a material change to the Able Marine Energy Park Development Consent Order 2014 (the 'DCO'). The Application was made pursuant to section 153 and paragraphs 3 and 4 of Schedule 6 of the Planning Act 2008, and Regulation 16 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.

1.1.2 The Planning Inspectorate allocated the Application the reference number TR030006, and published documents relating to the Application on its website under the title "Material Change 2". The Applicant submitted the Application to the Planning Inspectorate on 25 June 2021.

1.1.3 The Applicant and ABP HES are collectively referred to in this SoCG as 'the parties'. The parties have been, and continue to be, in direct communication in respect of the interface between the application and ABP HES's interests.

1.1.4 The purpose and possible content of SoCGs is set out in paragraphs 58 – 65 of the Department for Communities and Local Government's guidance entitled "*Planning Act 2008: examination of applications for development consent*" (26 March 2015). Paragraph 58 of that guidance explains the basic function of SoCGs:

*"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."*

1.1.5 SoCGs are therefore a useful and established means of ensuring that the evidence at the examination focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.

1.1.6 The purpose of this SoCG is to set out agreed factual information about the Application. It is intended that this SoCG should provide matters on which the Parties agree. As well as identifying matters which are not in dispute, the SoCG may also identify areas where agreement has not been reached.

1.1.7 This SoCG has been prepared in response to the Examining Body's request in the Regulation 28 letter. ABP HES did not make a relevant representation to the Planning Inspectorate in relation to the Application. ABP HES did, however, respond to the Applicant's pre-application consultation. The SoCG therefore addresses the following matters raised in ABP HES's consultation response:

- (a) Monitoring of depths and accretion rates; and
- (b) Demand levels for ABP HES resources during peak periods of dredging activity.

## **1.2 Description of the DCO and material change application**

- 1.2.1 The Able Marine Energy Park is a proposed 1288m long quay on the south bank of the Humber Estuary approximately 14 miles south-east of Hull, and north of North Killingholme. It is comprised of a quay, reclaimed estuarine habitat and facilities to allow offshore energy components and parts to be manufactured, assembled, stored and exported to their installation sites and elsewhere. The development is located the administrative areas of North Lincolnshire Council and East Riding of Yorkshire Council (although the Application relates to part of the development located in the administrative area of North Lincolnshire Council only).
- 1.2.2 The DCO came into force on 29 October 2014. Since this time, construction of the pumping station has commenced.
- 1.2.3 On 25 June 2021 the Applicant submitted the Application which comprised the following proposed changes:
- (a) a realignment of the proposed quay (within its existing limits of deviation) to remove a berth pocket at the southern end and introduce a setback at the northern end;
  - (b) changes to the construction methodology to allow the relieving slab at the rear of the quay to be at the surface as an alternative to being buried or to be omitted altogether, and the use of anchor piles as an alternative to flap anchors;
  - (c) consequential changes to dredging; and
  - (d) unrelated to the quay changes, the realignment of a footpath diversion to the north west of the site to go round the end of a railway track instead of crossing it.

Further details of the material change can be found in the Application cover letter [[APP-001](#)] which accompanies the material change application.

## **1.3 ABP HES**

- 1.3.1 ABP HES is the statutory harbour authority for the Humber Estuary.
- 1.3.2 ABP HES was consulted on the Application as part of the pre-application consultation undertaken in April-May 2021, and submitted a consultation response to the Applicant on 25 May 2021. ABP HES did not submit a relevant representation to the Planning Inspectorate regarding the Application.

## **1.4 Status of the SoCG**

- 1.4.1 This signed version of the SoCG represents the position between the Applicant and ABP HES at 13 December 2021.

## **2 Summary of Consultation**

- 2.1 Consultation carried out by the Applicant and the way in which it has informed the Application is set out in full in the Consultation Report [[APP-061](#)] submitted with the Application.
- 2.2 ABP HES was included in the pre-application consultation carried out by the Applicant. ABP HES and the Applicant have continued direct communication in respect of the Application. In particular, the parties have corresponded by email regarding topics for inclusion in this SoCG. (Email from the Applicant to ABP HES on 21 October 2021, and from ABP HES to the Applicant on 1 November 2021).

## **3 Matters which are fully agreed between the parties**

- 3.1 This section of the SoCG describes the 'matters agreed' in detail between the parties.

### *ABP HES's consultation response*

- 3.2 The parties agree that all concerns raised in ABP HES's consultation response have been satisfactorily addressed by the Applicant.
- 3.3 In particular, ABP HES is content that the Applicant has assessed and reported on accretion rates in all potentially affected areas, and that there is no significant change to the assessment by comparison to the original proposal. The parties note that monitoring of construction effects to adjacent berths will be undertaken periodically by the dredging contractor during the works. The parties acknowledge that Schedule 11 paragraph 19(2) of the DCO requires the Applicant to submit a Marine Environmental Management and Monitoring Plan ('MEMMP') to the Marine Management Organisation for approval, following consultation with the Environment Agency, Natural England and the relevant planning authority. The MEMMP includes monitoring of operational effects as agreed with the relevant Regulators. Objective 7 of the approved MEMMP which sets out the relevant commitments is reproduced below:

**Objective M7:** To derive references for dredging and disposal impacts and to validate boundaries of disposal grounds

|            |   |
|------------|---|
| Target     | Derive references for dredging/disposal impacts and to validate assumptions on boundaries of disposal grounds |
| Management | n/a   |



|                             |   |
|-----------------------------|---|
| Monitoring                  | Bathymetric survey of dredge areas and disposal sites and of the intertidal area between CPK and HIT  |
| Who                         | AHPL appointed consultant/contractor  |
| When                        | Once during month prior to commencement of construction works;<br>Fortnightly during capital dredging and the month following;<br>Annual surveys for ten years post-construction  |
| Limits of Acceptable Change | Sedimentation patterns indicating greater levels of erosion in comparison to those defined in Chapter B of ES or subsequent revision  |
| Remedial Action             | As noted below, the annual surveys will provide the information needed to either validate the boundaries of the deposit grounds, or trigger the need for them to be amended, and will also allow ongoing management of the dredge and disposal.   |
| Notes                       | <ul style="list-style-type: none"> <li>• The first surveys shall provide the reference for determining the impacts of dredge and disposal works, and should allow natural variability to be accounted for in any assessment.</li> <li>• The subsequent surveys shall provide the information needed to either validate the boundaries of the deposit grounds, or trigger the need for them to be amended. It shall also allow ongoing management of the dredge and disposal.</li> <li>• Surveys will be undertaken on similar tidal ranges and state of tide wherever possible. This will allow volumetric differences to be roughly compared, meaning the approximate portion of sediment retained and dispersed may be deducted.</li> </ul> <p>Further details as per Environment Agency monitoring requirements attached as Appendix 1</p> |

- 3.4 The parties agree that the protective provisions set out in Schedule 9 Part 1 of the DCO should remain unaltered. For the avoidance of doubt the parties agree these provisions include for the submission by the Applicant and approval by ABP HES, of a dredge and disposal strategy for all works associated with construction and maintenance of Work No.1 (as defined in Schedule 1 of the DCO).
- 3.5 The parties recognise that additional movements of dredgers in the Humber Estuary may require forward planning in order to stay within the capacity of ABP HES to provide pilotage services. The parties note the Applicant's assurance that its marine contractors will obtain pilotage exemption certificates (PECs).



*The Articles and Requirements in the draft DCO Amendment Order*

3.6 The parties agree that there are no comments on, or concerns regarding, the Articles and Requirements contained within in the draft DCO Amendment Order.

**4 Matters not agreed between the parties**

4.1 None.

Signed on Behalf of ABLE HUMBER PORTS LIMITED

Signature:

Name:

Position:

Date:

Signed on Behalf of the ASSOCIATED BRITISH PORTS HUMBER ESTUARY SERVICES

Signature:

Name:

Position:

Date: